Int. Did you file a bill

Ans. Yes Sir, I think we did, I wont be certain of it.

Int. Did you file a Bill. Have you looked to see.

Ans. I have not. My impression is that it was filed in this Court because I have always been very partial to this Court and if I had anything to do I put it in here.

Int. You think you filed a bill for a divorce against her husband.

Ans. That is my impression Gen Knox, I wont be certain. I can tell you the purpose for which she wanted it, if you wish, as my recollection serves me.

Int. You speak of having written a letter to her.

Ans. My impression is she was written to, I do not think I wrote but I might.

Int – It was written after that conversation

Ans. Yes Sir.

Int. This conversation was after filing the Bill.

Ans. Yes Sir.

Int. He came to see you after the Bill was filed and that conversation took place: — Was he expelled from the lodge

Ans. Never that I heard of.

Int. Do you know that he was not.

Ans. I do not, I never heard a word about it,

contingently or remotely.

Int. What did he say was the reason, these Masons were about to take violent measures with him.

Ans. I cannot tell that.

Int. Did he not say, that he had been making some statements in regard to lodge matters.

Ans. He did not, he refered to an ancient similar or symbol and type in the Masonic ~~Arts~~ and likened himself to it and I thought it very preposterous he should do so.

Int— What did he say it was for.

Ans. I cannot tell you that.

Int— Do you refuse to answer

Ans. Yes Sir.

Int. He stated to you what they were combined against him for.

Ans. Yes Sir.

Int. And you refuse to tell what it was.

Ans. Yes Sir.

Int. You refuse for Masonic reasons.

Ans— Yes Sir.

Int— I so understood it.

Ans. Yes Sir, there is no other reason in the world Sir.

Int. Is that Mr. Davis handwriting (showing letter)

Ans. Yes Sir, it is.

Int. Both letter and signature.
Ans. Yes Sir, it is.
Int. Put your initials upon it
(Witness did so)
Int.- Do you know, what is Mr Hopps standing in the Masonic body: was it good.
Ans. I never met him in a lodge in my life he had been introduced to me by Masons of good standing and as far as I know, he was a good Mason. I did attend a Masonic funeral with him.
Int.- Did they know him to be a good Mason.
Ans. Under Masonic honor they dare not introduce him otherwise.
Int. When was this funeral.
Ans. I think it was in November 1857.

John Adams Allen examined by
Mr. McComas

Int. What is your profession.
Ans. I am a physician and surgeon and teacher of medicine.
Int. In what School.
Ans. Rush Street Medical College.
Int. In this City.
Ans. Yes Sir.
Int. How long have you been here.

t.

Ans.- A little over 3 years, between 3 & 4 years.
Int. What was your occupation prior to that time.
Ans. I have been engaged in the practice of medicine since 1845. I have been engaged collaterally in the teaching of medicine since 1848 in connexion with medical colleges.
Int. Does the subject of insanity come within the range of your duties as a teacher and practitioner.
Ans. Yes Sir, it does.
Int. It is in your branch as a teacher.
Ans. Yes Sir.
Int. Have you had opportunities for the examination of the insane in your practice.
Ans. I have had opportunities in connection with Alms Houses, of seeing insane persons for perhaps 15 to 18 years. Prior to the establishment of Asylums in Michigan the insane were confined in Alms houses and I had charge of them.
Int.- Are you a regular graduate in your profession.
Ans. I am Sir.
Int Do you know the prisoner Hopps.
Ans. I do sir, I have become acquainted with him since his arrest and whilst he has been in jail.
Int. State when you first saw him, about

how long ago and the facts you have ascertained in relation to his condition bodily and mental, without giving an opinion as to the character of his mind.

Ans. I have not the precise date at which I first saw him, but I think it was between 3 & 4 weeks since. I have visited him at intervals quite a number of times since, spending at each time from 1 to 3 hours with him.

Int.— How many times did you visit him.

Ans. I am not able to say, but probably 6 to 8 times.

Int.— State what examination you made of him, what facts you ascertained and state the history of his diseases, his bodily condition, as made by yourself.

Ans. Every practitioner of Medicine has his own plan of examining a patient. I usually notice the age of a person, as I did in this case, I judge of his age by appearance and also inquire. I judged it to be 55 to 58; I think he told me 58. That is of importance in judging of diseases, because a particular age indicates a tendency to a particular disease. I then examined him as to temperament. I found him to be what we call a nervous temperament, a predominance of activity of the nervous system, intermingled with what we call

bilious temperament, especially striking however was the predominance of the nervous temperament. My attention was then taken to his countenance. I found it to be very peculiar in its expression there was certain fixed, rigid lines and a particular appearance about the angles of the nostils, as though pain had been always present. I noticed then the appearance of the eye. There was a peculiarly sharp expression of the eye, occurring instantaneously and then passing away: the eye being drawn comparatively from the observer and then pass as though they looked upon vacancy. I noticed the skin upon the face, it had a dingy and somewhat dirty appearance, not exactly the sallowness which accompanies biliousness but a sort of dingy, dirty look. I noticed then the formation of the ears, which is rather peculiar. The ear is flattened upon both sides, the different parts are flattened in a peculiar manner, which would attract the attention and through these appearances corroborative opinion can be drawn, the projecting part of the ear being flattened down upon the head, which is a fact that would not be generally noticed. I then examined the skin by feeling with the hand. I next examined the head and found the temperature of it to be above the of the externals, apparently

above that of the trunk. I may say this appearance was corroborated each time of visiting the patient. I then examined the pulse and found it remarkable, ranging for 90 to 120 in a minute constantly. When he is standing erect it will rapidly rise to 120, when he was sitting down, quietly it would be as low as 90, the natural speed being about 72 to 75. The pulse is very weak and feeble. I then examined the condition of the heart, I placed my ear upon the chest and found nothing noticeable about it but its feeble action, which corresponded exactly with the condition of the pulse, beating frequently and weakly. I then examined the lungs, because sometimes the condition of the pulse depends upon the formation of tubercles and they seemed to be very free from disease. I next examined the abdomen and found nothing about it to attract attention. I then examined the tongue, the tongue being red upon its body with a slight furred surface at the sides. I found there was very little movement of the intestines, they were torpid and inactive, there was however no fulness of the bladder. I found also that at one interview the skin was dry with peculiar conditions I have observed, it was covered with a sticky moisture

at othertimes indicating inactivity of circulation in the skin. I found no indication in the activity of the abdomen or extremities.

Int. Did you examine with a view to that.

Ans. Yes Sir I did, because the peculiar condition of the pulse rendered it desirable. The object of examining these other parts was to ascertain if there was disease in them.

Int. Did the prisoner give you at your request a statement of his past bodily health.

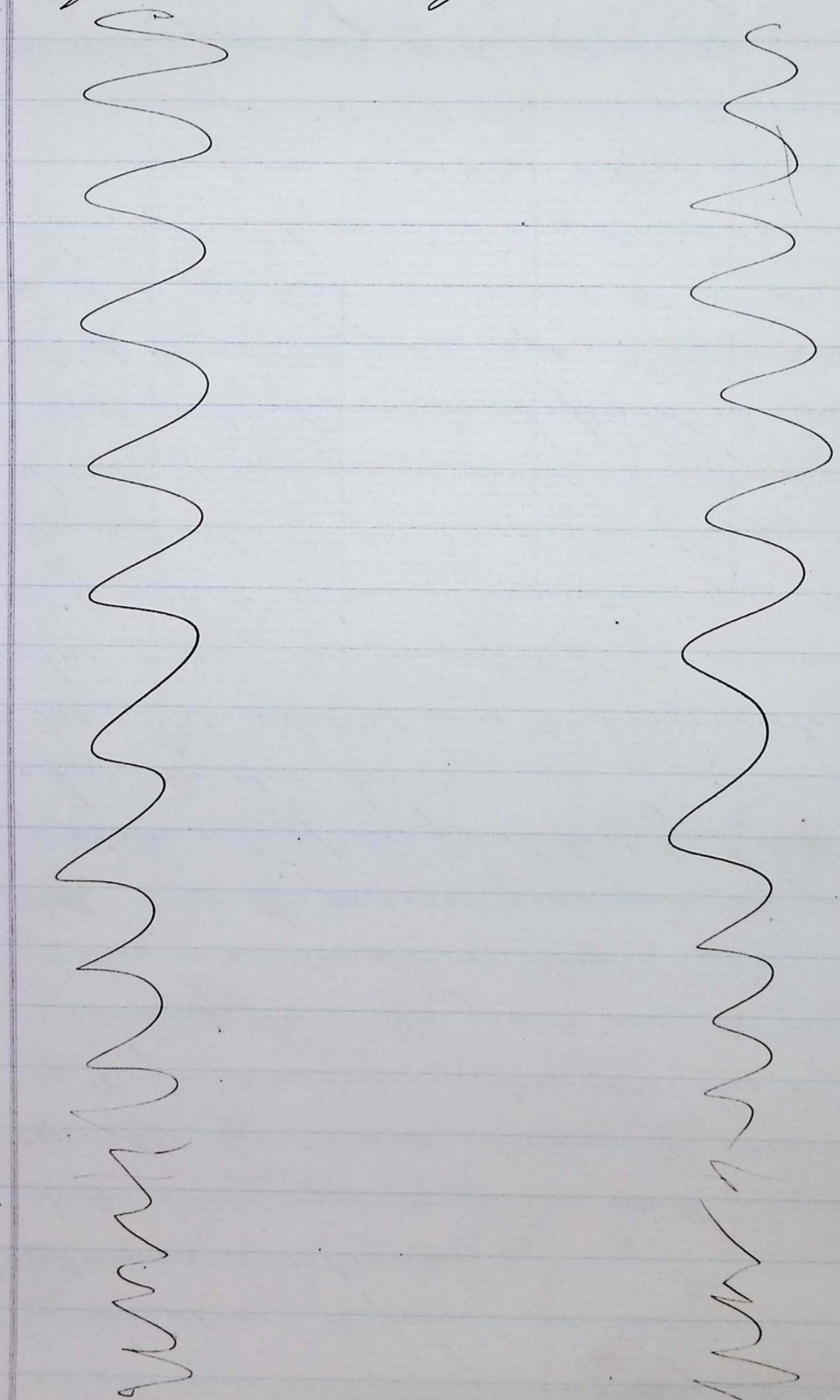
Ans- He did Sir.

Int. State what it was to some extent.

Ans. I may here remark, that it was a little difficult to obtain information upon this point, because when I questioned him he gave me a detail of a sickness, which I supposed to be recent and afterwards I found it had been about 40 or 50 years ago. This he told me he did not think amounted to anything. I then asked him, if at any time he had received an injury from a fall or otherwise; he told me, he had not and then he afterwards said he did, previously to his arrest he had been thrown from his wagon and thrown upon his head. He said it did not affect his head much or his shoulders, but it made him very nervous after. He told me, he had been kept awake a number of nights

after that accident from the pain in his shoulder and the nervousness connected with it.

Smt. Did he speak of how he slept after he first came into gail.



Ans.— He told me that at first he had not slept at all for a number of nights, but that he had got used to it now. I think he said six or eight nights he did not sleep, but I think he told me after words he had slept three or four nights

Int— Did he say anything about his bowels

Ans— He said they were constipated.

Int— How long?

Ans.— For the first few nights— after words he said they became more regular—

Int— What facts did you find out with regard to the mental condition as coming from him. Detail them giving their characteristics.

Ans— The facts are intermingled with the conversations I had with him at different times, and my opinion may perhaps be biassed by the manner in which he gave me the facts.

Int— State the manner and facts

Ans. I found it very difficult to get a connected story from him for this reason— When I would ask him if he had been speaking of any sickness which he had recently and he went on to give some details with all, really going into minutia to a great extent— I would then call his attention to the time and found it was disease that occurred a great many years ago— I would then call attention to some thing later and he would begin telling me about it and then he would go off on

to something else which seemed to be suggested by his sickness. I could only get - that he had Ague and Jaundice following at some time within the few years. since he has lived in the country he was healed actively for it - for sometime. He would break off to speak about - the Doctor or about some neighbor and he would go on and I could not get a connected history for that - reason.

Int - State whether that of which you now speak of as going off on subject to another was characteristic of his mind throughout?

Ans - I believe I have stated that before he would talk along for a little distance with great particularity with regard to some disease, and then would go off & talk with just as much detail on something else which had come up. When I asked about - his falling from the Wagon and the injuries he received, he gave me an account of the falling and then went off to tell about - the Wagon - what - model it - was built of - its Hubs &c and the history of its Maker. I could not get from him definitely the details of the transaction I saw that it was a sort of tangential action of the faculties going off into episode. He was perfectly orderly in his manner when he commenced till he went off on to something else, and then he was orderly upon this something else, giving all the details &c with a degree of attention and apparent - candor which would strike the attention -

It did mine -
Int. Did he go through the first subject before he started another, or did he talk off at a tangent?
Ans. I said he would go through into the subject until something came up which would call his attention and then he would go through upon that it is pretty difficult to discuss exactly the manner in which these suggestions would seem to lead to others.
Int. When you had got him under way did he talk rapidly or slowly.
Ans. He would generally talk quite rapidly upon that point.
Int. How was his manner.
Ans. His manner struck me as peculiar in this respect he generally came up from fast into a room above where there was an iron Bedstead and sat bolt upright upon the Bedstead and without moving an inch of his position would sit up there three hours. With a quick sharp glance of his eye he would look up and then it would again resolve itself into vacancy He would then go off tangentially and start upon the second subject he would speak with very great earnestness and apparent candour as though he wanted to impress upon those he was talking to, the truth of what he said, he was very anxious to show that all he said was correct. I would perhaps make some discrepancy in my statement and he would check me in an instant & tell me it was so.

Int - State any facts or conversation you had with him as to his social relations and what he said in relation to his social relations as near as you can remember it

Ans. He told me his social relations had always been pleasant and peaceful till the time of the lawsuit he had a good many years ago or a number of years ago with a man about a horse, he hired a horse of a man and while he still had the horse in keeping it died of the Botts - that the owner of the Horse wished to have him pay for the horse, some questions arising they let it to arbitrators - the arbitrators decided that Mr Hopp was not responsible for him - Thereupon Mr Merrill brought the matter to Chicago and employed Mr Hoyt to prosecute it. As Mr Merrill told him at the advice of his neighbors - and he named that Filkins Cassell and Schenck - Filkins and Cassell certainly. Somehow I think it was taken out of Court and left again and left again to arbitrators - and I think he said Filkins was one of the arbitrators - The arbitrators decided that Mr Hopp should pay thirty seven and a half Dollars and Mr Merrill lose a like sum. He said that the neighbors had entered into a conspiracy to ruin him, I asked him how that could be. I am not certain whether Mr Filkins was one of the Arbitrators, or had advised that he should pay thirty seven

Dollars which he thought was wrong. I asked him what that had to do with this matter. He said that had every thing to do with it. They made a combination against him and put up these men Schenck and Lassell both of whom were loose characters to seduce his wife. and he revenged on him. The reason Filkins could not do it was because he was a Mason and could not do any thing wrong to his family himself. He said it was very certain it was done because after a child was born he invited Filkins to go and drink with him. and Filkins gave a toast.

Int. Was it a Boy or a Girl

Ans. It was a Boy. He said Filkins gave this toast. and he said "Here is to the men that can get Boys the rest are only teasers" I looked at him then and I knew that he thought that I could not get Boys.

By the Judge.

Int. Do you know if Filkins has any Boys.

Ans. I don't know. I asked him if he had any further reason for so doing. He said he had. On one occasion he was down in the City to sell some real he was walking along with Filkins, I don't remember whether Filkins had any real to sell Filkins said. Well these women are pretty good things after all. and he says I could not help thinking what in hell that has to do with real"

and he said Wilkins would not have made such remark if he had not the suspicion upon his mind I asked him if he had any other reasons and he said he had - He had at one time - he said he came home one day while he was there Mr Schenck or Mr Cassell I am unable to say which but my impression is Mr Schenck - yes Mr Schenck came over to get some onions. He was to have half a Dollars worth of onions and Mr Hopps was heaping up the measure and Schenck said Oh - No - there enough - there enough and he could not understand why Mr Schenck was so good natured - and he found that - Mr Schenck had been there to see if Mr Hopps could sell him any onions & Mrs Hopps did like to sell them without Mr Hopps being present - He came back next day. After his child was born Schenck came there one day when he was butchering Hogs and either Mr Hopps brought out the Baby or some one did and he said to Schenck "Here the little onion Boy" and I watched Schencks face and I knew that my suspicions were true. I said - what did you know was true and he said that Schenck had connection with my wife the day before he came for the onions.

Int - Did he ever give any other reason or facts upon which he based his opinion.

Ans - I don't recollect of any other.

Int - I know there several violences you have detailed

The Horse suit - three onions - the boat - the veal and the hog case were they all given as the reasons for believing in the infidelity of his wife upon request to state the reasons - expressly so.

Ans. Expressly so.

Int - And you remember none others.

Ans. No sir I remember no others.

Int - What did he say with respect to his wifes other qualities and his feeling for her outside of this fact -

Ans. He said that she was the best wife and mother in the world till - as he expressed it - she went bad - that in every other respect she was the best woman in the world. He said he loved his wife and at this time she loved him.

Int - Did he say that his affections changed.

Ans - Yes he said sometimes it would be just as it used to be in old times and then she would go bad again. I ought to mention that I asked him about his younger Children whether he had any bad feeling against them - and he said no. the poor little fellows were not to blame for it - any way. he loved them as well as he did the rest of his Children.

Int - Did he say whether he had exercised any diligence in watching his wife.

Ans. He said he had not - he thought that would be very dishonorable to be watching, around - sneaking about - He said he had tried to reform

his wife by talking to her + reading the Bible to her.
I asked him if he had ever sworn at her and he said he had - but it was as God almighty would curse wicked things. It was for her good.
Qu. - Did he say anything as to why he had built that House so fine and large
Ans. He told me he had built it to please her - He did not care any thing about it. I think he said she wanted the House in order to give more attraction to herself. She had told him so.
Qu. - Did he say anything about his relations with Filkins Schenck and Lassell whether they were still intimate and friendly to the last.
Ans. He said they had always been the best friends up to this Winter and since then they had not been so.
Qu. - Did he say he had ever intimated his suspicions to them in any way.
Ans. I think not. There is one thing which is still further in proof of his suspicions of his wife. One time he brought her down to the City and brought her some things. He stopped and went to a Hotel I think at the Metropolitan and when he came in he found her crying and he asked what she was crying for and she said if it had not been for that Filkins and Merrill difficulty she never should have had any trouble - and that he used as an additional argument to prove her in fidelity. The Filkins

and Merrill difficulty he said was the Horse case when Parker him. These things he communicated to me - this jointly as far as subject-was concerned, not as to sentences. they were always coherent. The subject were thrust-in loosely and disjointly.

Int - How did he speak of his wife up to the time of his wifes difficulty -

Ans. That-is what-I said at the outset - He said that she was one of the best-wifes and mothers in the world. they lived each other as faithfully as any persons ever did in the world. and then he said at the time of that difficulty his wife took steps against-him and at the same time he brought-up this matter about the Masons in connection with Wilkins taking steps-against-him which all resulted out of this Horse case,

Int-. Did this also arise out of the Horse case.

Ans. Yes. Wilkins and Merrill were Masons and they were strangers in the Lodge than him.

Int - I want-any thing which really bears upon the opinion which I shall ask before I have done.

Ans - They had conspired against-him and had got this man Schenck that-was not-a Mason to seduce his wife - they had entered into a conspiracy against-him + were determined to be revenged upon him for not paying Merrill Seventy five Dollars. - again they said they thought-he had done wrong The Masons - he being one, ought-not to wrong any

Mason,
Dir. What was his general bearing in Jail, as to his dignity and general behavior whether he fell on ——— or was quiet and dignified.
Ans. He is a man who has quite considerable refinement of manners, moved & conducted himself with a great deal of Courtiousness and dignity. I may say so towards myself and other Visitors he treated us very Courteously, and talking very quietly and as I have said impressed me with his earnestness in all these little things he spoke of as being of life and death to himself. I asked him what was his feeling as to this trial and he said all that he wanted was simply to have justice, that he expected when this trial took place he had only to come in and state his own case and he should be acquitted. At the same time this was said with great appearance of candor and as though there could be no doubt in the mind of the persons more than his own.
Dir. Did You ever hear him say directly or indirectly that he thought he had done wrong in what he had done.
Ans. He showed no signs of regret at any time for what he had done. It was necessary to be done and required this great iniquity which had been done. He had done justice, and all he now asked was that justice should be done to him.

Int. How did he speak in reference to his Children when he spoke of them?
Ans. With the very greatest affection. I asked if they still were affectionate towards him. He said yes. that it made the poor creatures feel so bad when they came to see him that they did not come to see him often.
Int. What did he say in reference to his sensibility as to the mortification which he would feel if he was considered guilty.
Ans. I cant say I recollect what was said. It is possible there was a great variety of things which he had said which I could not recollect brought up in this jumbling rhipsodical manner.
Int. State whether a definition can be given of insanity and if it can however general a one give us some idea of it.
By the Judge.
He might give his professional view of the general subject.
Ans. It is well understood that it is difficult to define what you mean by Insanity. it is difficult to define what we mean by disease of any kind. It is such a disease of the brain and nervous system as incapacitates it for the proper manifestations and operations of the mind correctly. Some are Metaphysical but this is my definition. It is a disease of the organ through which the mind manifests itself.

Qst. What is that organ.
Ans. The Brain and the nervous system with its prolongations - the nervous cords extend from the brain and spinal cords. there are subsidiary organs to the brain. I might perhaps confine it to the brain but considered that the spinal cords and other nerves are subsidiary to the brain.
Qst. The brain being the center of the nervous system
Ans. Yes sir.
Qst. Would not a disease of the Brain run its course the same as other diseases of the body.
Ans. We recognise disease of the brain by change in the action of these parts or in the structure itself. - which you can sometimes see if external and sometimes if internal. — and sometimes we determine it by change of its functions. The function of the Lungs we say is respiration. The function of Stomach is digestion. The function of the brain we may say is to manifest the mind the judge of that by noticing first the changes which we cannot see but by studying its effects and so a disease of the brain is studied by noticing the changes which affect the — which act with the brain.
Qst. In those symptoms which you have given us is it - or not - your purpose to ascertain the cause of the various phenomena you describe and trace them to their original source if possible.

Ans. That is certainly the object of every examination into the state of a disease. We have to understand the connection of pent- or Physiology. The Physiology of the brain is — — the actions of the brain. We want to know what that natural action is, and so in studying the conditions of the brain we study the symptoms of the brain which are indicative of change in the operations of the brain - for instance, as well as any other one. So in this case I proceed to investigate the cause of certain varieties which were present - because of certain peculiarities of the mind which were observable to me and which professionally I understood concerning the operations of the mind as a symptom to be a diseased condition of the mind or rather of the organ through which the mind is manifested. I undertook to account for the - reason by observing all the symptoms I have mentioned. The Condition of the Patient, his age, as to temperament - condition of ears, eyes, action of pores, Condition of pulse heart lungs and abdomen. On observing these symptoms through all these senses I am driven professionally to say that - there is a disease of the brain. By examining these symptoms that are thus mentioned I am driven inevitably to the conclusion that there is disease of the brain.

Int. Did you find any of the Physical symptoms absent in this case.

ans. They are all present- there are none absent that I know of. There are frequently little differences we have to take these into consideration
Int-. Of the symptoms you have mentioned as far as they go do you find any one absent to derangement
Ans- Not at all they are evidence of derange-
-ment- taken together
Int-. Had you from the symptoms you observed together with your whole examination of the man any doubt upon your own mind, or have you now any doubt upon that examination that this man is an insane man,.
Question objected to & objection sustained.
Int-. State what your opinion is as to his state of mind from your examination of him in jail both mentally and physically.
Ans. I think I have before stated, that I have already made up my mind as a professional opinion that he has disease of the brain to such an extent as to interfere with the ordinary manifestations of mind as are understood in dicating a position which are commonly denominate insanity. as there may be degrees of severity in the disease in the other organs of the body. so there may be in the brain itself interfering with the manifes-
-tations of mind through the Brain
Int. State whether you had or have from this examination any doubt in your mind as to the

truth of the opinion at which you arrived,
Ans- In every case - and I have frequently been called upon to examine, I always commence with a doubt & confess that. I endeavor to have my mind perform any biassed opinion and then arrive by careful examination at the opinion which I ultimately give, and I have endeavored in this case to adhere to this custom, and to examine the facts and the bearing of each one and come to the conclusion not - immediately but positively at the end. I did not make up my opinion beyond a doubt at the first - I investigated. For instance the condition of the pulse. I would be very loth to make up my mind at the first examination but would examine it from time to time, and when I have observed that - in connection with the other facts then the conviction becomes profound and beyond escape.
Int. Was it your opinion that the symptoms you have stated indicated a chronic or acute kind of disease.
Ans- A chronic disease. Acute diseases are manifested by much greater activity of all the symptoms - the change of functions are very much marked and decided. In old cases they are not so marked. This is one of the difficulties in treating chronic diseases. when there is not an active disease - the pulse - shows much more

marked signs of disturbance and are much more easily detected.
Qest-. Have you heard the evidence given in this case
Ans. I have
Qest-. Supposing that- the acts stated by the Witnesses to be true as stated, and taking them as proved what would be your opinion of this mans condition say during the months of June and July and August last- and say up to the present time.
Ans. – My opinion is that- under the circumstances the facts being assumed that- this man has Chronic insanity which has continued for a number of years varying in its degree of manifestation at times as is true of all Chronic diseases of the brain or any other organ. whenever there is a Chronic disease it- is liable to recur or manifestations and then it- will apparently recover but- eventually falls into the same condition again
Qest- Will you state whether this man told you in speaking of treatment- of disease in particular. whether he had taken Mercurial remedies and if so whether a good many of them
Ans. He told me had taken Mercury in large quantities for the purpose of alterating of the glands and without any Effect-
Qest-. Are there diseases which are hereditary

in their tendency.
Ans. Yes sir. quite a number, very many are so in their character.
Int.- Is insanity in either
Ans. Strikingly so sir
Int. In a matter where evidence was being given of the character of the accused. what effect would the proof that the Brother a full blood brother was in some degree so - any relationship of that kind what influence would it have upon you - the very fact of his being in the family
Ans. The fact that there has been insanity or insanity in the circle of immediate blood relations of the patient is a fact of the highest importance in coming to an opinion of any form of disease in coming to the nature of the disease. The presence of that in a family, in my own opinion the presence of it in a brother is a much more important fact than the presence in the father for this reason. the organization of Father & Mother usually give rise to particular tendencies to disease on the part of Children. There are much more likely to be alike between brothers & sisters than in the father and brother or in mother & brother for the reason that the two organizations are represented in the family. That is a common physiological fact which anyone will understand as illustrated in stock breeding and well

understood. It is a more important fact than the fact of insanity of father or mother.
Its presence in blood relations especially brothers and sisters become the concurrent cause met in the children.
Qu. -- States whether nervous disposition do not often descend and exhibit this in insanity in one generation, & eccentricities in next, insanity in next &c
Ans. Diseases affecting the nervous system have different manifestations. What would be a conformation which in the father would result in facial paralysis, in the son might result in insanity. The father may have had some nervous disturbance evidence of nervous disease as for instance Saint Vitus dance when there is an affection of the nervous centre present: the manifestations of disease in the child might affect his brain so as to produce insanity
Qu. Do you regard it — it as a sound doctrine that an insane father for instance or parent having a peculiar type of derangement would transmit that same kind of derangement to the children necessarily or might it change its type in the next generation.
Ans. - My idea is explained that the organization of the Child is varied by intermixture

with the blood of the mother. yet the manifestation might be changed in its form and yet might appear in the third and fourth generation so as to show the peculiar kind of nervous disorder which had existed before what are called hereditary diseases. depends upon organization. it is upon this the disease depends where we derived from. Not the mere fact of the father having it but the fact of the organization.

Int.— Will you state whether this type of insanity as exhibited in the person is one that is easily simulated or counterfeited.

Ans— That was a point in my investigation and it is one we have to meet. I took great pains in that examination and from my experience and reading I would say it was a kind of insanity which no man could simulate it— He has got to be insane. He cannot simulate it.

Int. Do you mean to say that you would have detected it if it had been done.

Ans— That class cannot be simulated and I saw no attempt in this case. a man who simulates insanity always uses incoherency. pays no attention to your question but goes off into rhapsody. and whereas in this there is no incoherency words sentences. and sentences formed into perfect rep. Ans.

incoherency in paying attention. As to incoherency as to the subjects which hemon are suggested by what he is speaking of. As to simulation can be possible. I may say that I dont base my opinion merely upon these mental manifestations it is a part and I understand to give it only the importance which it is entitled to. Taking it with the other symptoms I have mentioned then the case became clear to my mind and all doubt was removed. That was instantly as to the action of the mind.

Qst - State how far you regard this mans mind impaired and the characteristics of that impairment.

Ans - It is characteristic of insanity in some cases that the manifestations of the mind are changed by the diseased brain. In this case from my observations of the man the working of his mind is connected with his physical condition which was so clearly observable I became of the opinion that he had mental control over certain portions of his mind - that there was present what was technically denominated a delusion. a peculiar emotional influence was developed to such an extent that it controlled the action of the operations of the mind, that was the unbalancing or governing influence - when away from

there there raging the manifestations of the unsoundness of mind which I have mentioned.

Qu. - How did you find his judgment and reason and sense of right and wrong when applied to these particular matters.

Ans. - As far as this particular delusion is concerned there seemed there seemed to be an entire revolution of the ordinary conditions of the ideas of right and wrong.

Mr McAllister objected to his speaking of the moral qualities

Judge - There is nothing objectionable in it as far as he confines his statements to his state of mind and its manifestations in his intercourse with the physician that may involve to a certain extent and to a certain extent only the professional judgment

Mr McAllister - He may state and show by reason of his own superior skill in these matters the condition of that mind and condition of derangement - but the legal question and the question of fact will be whether he knew at the time that although there was a delusion that what he did was wrong. He has submitted to them both the question which the jury is to decide.

Judge - That is true no doubt - in the sense

you put it. Even though a party may be suffering under a delusion. Yet unless he is actually in the possession of right and wrong in what he did then the mere existence of delusion is no defence, therefore it is for the jury to determine whether from the evidence the persons mind was in that state in which he could not distinguish right from wrong in respect to the act which he did. But as I understood the question it called for nothing more than the state of the manifestations of the persons mind seen in those conversations and interviews and his opinion touching those various manifestations as to what they indicate professionally.

Mr. McAllister

Can he state whether from certain manifestations he noted indicate that he was unable to tell what was right and wrong.

Judge - I noted case from 2nd Synd Hunt in 1831 I don't propose in this case to allow any Counsel seek to go as far as that which I have now quoted because that would run counter to what I consider to be a settled rule governing cases of this kind. I do not see that there is any conflict with the rule in the question propounded. The witness can go on & say what his own observations were and

cause and effect. as to seeing the relativity of a reason, whether it was the reason.
Ans - She was almost totally incapacitated to reason upon this branch of subjects.
By the Judge.
What is the ordinary effect of the symptoms which you say you detect in the prisoner upon the judgment in regard to subjects upon which the derangement exists or in reference to which there is derangement
Ans. - The effect is to weaken the power of mind or to pass it out from under the control of volition or will.
Int. - What degree of subversion or weakening judgment did you find in this case as the product of the alleged derangement which you say there exists.
Ans. I found entire incapacity of mind as far as judgment between right and wrong upon this subject was concerned.
By Mr McComas,
Int. - In case of derangement state your opinion and your knowledge with reference to length of time that they may be in process of incubation or growth. and whether they are either concealed often times even when there is a very strong affection existing. as to decide when they are most-

intimate with them. It whether it is liable to burst out suddenly, or gives premonitory symptoms.

Ans- It depends upon the cause of the difficulty. When hereditary the derangement may manifest itself slowly gradually and taking years. but when it is produced by slow changes in the structure of the brain and from other causes it may be a long period in attracting attention. When it is noticed it frequently happens that circumstances that transpired previously have had to do with it - a man that is attacked with a disease going other kind it may be some time before the symptoms are manifested. Sometimes a case may be such as to produce it immediately as for instance a blow upon the head. or another times it might not develop insanity until after a number of years or it may cause a slow and gradual development. it depends upon the cause and its surroundings. A man may have it yet if there are no exciting causes or surroundings it may not develop itself. So again hereditary insanity may not develop itself until a particular age. for instance the age

his father had the same malady perhaps it may be slowly developed for ten fifteen or twenty years. and it may go-come on gradually.

Int. Is there any tendency towards sleeping-sleeplessness and how that manifests itself.

Ans.— As a general rule they are characterized by sleeplessness during its presence whether partial or general insanity. a simulator would be compelled sometimes to sleep - a truly insane man even though only partial insanity will go night-after night-without-sleeping. This sleeplessness is a very important point in determining insanity every grade.

Int— At what-period is the excitement most-likely to come on-day and night-without-sleeping.

Ans- There is some difference of opinion but I believe the usual rule is. Insane with disturbed state of mind Insanity are rendered worse - and the disturbance is more strikingly manifested at-night.

I have observed that-in Insane Asylums that-patients quiet-during the day may at-night-rave. The manifestation is more common at night-than in the day time.

It is a rule perhaps not invariable.
Qst - How long will an ordinary man under the influence of spirits or wine continue under violent and excited agitation talking continually and without answer and under excitement without showing a tendency to sleep excited on one single subject what without or with stimulant?
Ans - I am unable to answer that question definitely - the rule being that the patient speedily falls under one form of insanity called delirium tremens.
Qst - How long would a sane sober man continue. It would be without any gradual and powerful motive for special exertion. How long under a mere stimulant would he continue in violent action and that upon one single idea without repose for a moment of the time. and continuous action how long would he be before he had to stop from sheer exhaustion.
Ans - I should not like to answer that question and pass for law - it depends upon the mans strength. power - the circumstances surrounding him. but this a man would be likely to be exhausted in a few hours under the circumstances.

you have mentioned.
Int- Is it a characteristic of the disease to burst out into sudden and violent passion upon slight provocation. Particular insanity for instance.
Ans- It is characteristic of particular manifestations of insanity. Insanity varies as other diseases may vary. That is one of the striking manifestation of an insane mind.
Int- Do you regard the general power of his mind, as affected by this disease.
Ans- I think they are to some extent.
Int- Is the power of Reason affected
Ans- Yes sir. Power of judgment - power of Choice. general subjects more or less. Loss of power is manifested through the brain I would like to be understood professionally in our statement - when I say loss of power in a particular faculty. I mean loss of power of will over its manifestations. the power of will, control &c over its manifestations.
Int- You think that is general in this case?
Ans - Yes sir - I dont want to be understood that there is a want of power of action. There may be increased action, but want of power or management over it by the mind

as a whole. coordination.
Int. Is a phase of hilarity and general feeling rapidly followed without apparent cause by extreme gloom, abstraction and melancholy. What would that be a symptom of?
Ans. That is one of the methods of showing a the condition of a certain portion of the brain which we call the emotional centre. when that is present to a remarkable extent we regard it as being the cause of derangement in digestion and it would therefore sometimes be indicative of insanity regarding the general definition I have given. There is no man who will undertake to be positively accurate about a definition in these days.
Judge-
Int. What name would you give to the type of form of insanity under which the prisoner appears to be laboring.
Ans- I simply say this man has a diseased condition of certain portion of the brain which renders the mind incapable of manifesting itself through the brain. if I am called upon to give a definition immediately. a division of the Emotional Centre - physiologically speaking, I mean

of the brain and nervous system, producing such a condition of the organ as a whole as to present orderly manifestations of mind under which terms I include both intelligence and consciousness.
It would perhaps ordinarily be called "monomania" but I object to the term professionally and I believe it is not now used among the best writers.
By the Judge.
Qu. I find it stated in regard to insanity when there is no presence of raving madness the true character of the madness is delusion is there any such thing as frenzy or raving madness without delusion.
Ans. I think not. I do not professionally admit the definition of illusion & delusion being the same.
Qu. Whether the mind of the raving maniac is operated by illusion hallucination delusions or whatever you call them. if not state how his mind is affected.
Ans. I suppose that in general frenzy there is a general want of control over the operations of the mind by the will. every thing is at loose ends.
Qu. Is there any such thing as connected thought?

Ans - In dis delusions vary or dat- dere is no coherency - no fixedness of mind in any particular channel of course.
Qut. What is de nature of dat penzy which is sometimes found in persons - suffering from fever or dis diseases.
Ans - Dere is an entire want of coherency in that case in de different spheres made use of. want - of orderly action. entire - generally - every thing is disturbed. Although a person may be out of his head in fever and still dere be but one delusion it is evident - that - in this case de mind has a want - of control over its operations. Sometimes in a want of coherency as de fruit - of a disease. Dere may be a single delusion as for instance in Monomania and yet dere are no general raving. or dere may be general raving. Dere seen general raving as a fruit - of mono- - mania or dat seen in penzy of fever dere may be one particular delusion or idea which de patient has, or dere may be a series of delusions. de will has lost control over de manifestations of mind generally of de person. A person may be when left - to himself incoherent - but soon as his attention is called to de

Physician or others and fixed upon some
point-upon the question. perhaps the ap-
-pearance of delusion will pass away en-
-tirely for a few moments perhaps during
conversation. and then when the persons
attention is not-fixed his delusion will
come again and he will go off into in-
-coherency.
Qest-. What-is the conduct-of raving madmen
in the respect-to others present.
Ans.- That-would vary.
Qest-- Does he manifest-violence to those
about-him.
Ans.-The general insanity. the character
of the raving madman is perhaps the excep-
-tion to the rule- it-does not-occur very often
Where
when it-is present-the manifestation is
violent-towards everybody around about-
him-yet I have seen a man raving
far as persons generally were concerned &
yet-be under control of some persons.
There might-be raving maniacs without-
any disposition to violence. manifesting
itself entirely by language. the muscular
action of the body being but one mode of
the manifestation of the persons mind.

Cross Examination of Doct- John Adams Allen
By Mr McAllister

Qst- When did you first have any notice of this case.
Ans. - The same day I first went in Shelbina
Qst- When was that
Ans - As I said about three or four weeks ago.
Qst - By whom were you requested to go in
Ans. By Mr Dexter Counsel in this action
Qst - How long before you went that he spoke to you about it.
Ans. It is my recollection that he spoke to me in the morning and it is my recollection that he made an appointment with me in the afternoon, it might have been afternoon and go in the morning.
Qst - Did he state to you that prisoner was supposed to be insane.
Ans. - He made that remark. He wanted to ascertain whether he was insane he had not himself seen the individual
Qst - Did he inform you what act the defendant had committed.
Ans - He told me simply that was the man Hopps who had murdered his wife. I might have noticed it in the News papers.
Qst - Did he say anything to you about Hopps brothers
Ans - No Sir I knew nothing about Hopps brothers

until a week or ten days after the first interview. I learned that after I had been in several times, it was probably about ten days after I first saw him.
Int:- Before you got through the examinations
Ans- Well I examined him every time I went in which confirmed the others.
Int - Was it before you got through the examinations
Ans. - Certainly - the first time was three or four weeks ago, my last examination was the day before this trial I think.
Int - Who went in with you -
Ans - I think the first time, Mr Dexter and Dr McComas went with me.
Int. - Were you introduced to defendant -
Ans - Yes Sir
Int - How -
Ans - I was introduced as Doct Allen a friend of theirs
Int - He knew you came there to examine him
Ans - He manifested no such manner & there was nothing said about it
Int - Did he address you as Doctor
Ans - The gentlemen did - he did not address any conversation to me. I presumed he should not -
Int - Did he subsequently address you as

Doctor?
Ans. - Yes Sir
Qst - Speaking about this hereditary disease did you state that in case of hereditary insanity that different types of insanity might appear among brothers and sisters?
Ans - I think so - that is a correct proposition whether I said it or not. I think what I did state was that one type of insanity might appear in the father, another type in the son - another in the grandson. I don't know whether the signing was made your with regard to brothers and sisters, but the same proposition would hold true.
Qst - Is it true in physiology that a parent with gout would trans mit to his children the Scrofula by reason -
Ans. - No Sir - that is not true; but this is true, a disease may appear in any form in a parent; it may appear in an analagous disease in the children - the father has gout - it may give Scrofula in the son or manifest it by chronic disease, sometimes by affection of the brain, not in the natural opposite form of disease as Scrofula should be manifest, because Scrofula and Gout have nothing in common
Qst - Then you suppose it would be a

natural result- that one member might have a highly & citable organization and the other member be afflicted with a sort of dimentia in both cases.

Ans.- Certainly - the one hereditary fact- is the disease. There is no difference shown by the quit- demented man who may become the raving mean. perhaps the raving frantic man will pass into the condition of the demented. They will shade into each other, running into the mildest ~~dimension~~ - In inflamation there may be immense activity at one time - and then there is a diminished activity and yet we have got the same condition. Inflamation governing both these facts.

Int - Is there any certainty about this.

Ans - Yes Sir - We pretend that Medicine is now a progressive Science and hence are as certain as the laws of gravitation.

Int - Is there any such in Insanity

Ans - Yes Sir -

Int - How many are there.

Ans - Oh there are a great-many

Int - Did you not- till in answer to the question put by the Court- that you designated the difficulty of the Defendant- as a disease of the emotional centers which affected the entire organ of the brain, thus destroying the power of will

Choice - Conciousness etc - Is that what you stated
(Read the answer alluded to in direct & examination)
Ans - Well that is a different thing from your
question somewhat.
Int - Is that what you stated in substance
Ans - In substance it is.
Int - Is it not precisely what you stated
Ans - Yes Sir - probably it is - it is true at all
events - while part of it might be cavilled at.
Int - Where is that emotional center
Ans - The exact limits of the emotional center
there is some question about - the ultimate -
limits, not to use technical terms I would say
is in the base of the brain. that portion of the
brain extending from the upper part of the
Spinal chord from the extending
into the Cerebrum.
Int - Is there any definite locality for what -
you call the Emotional center.
Ans - There is a definite locality
which I merely mentioned while some locate
it within a smaller part of this space but all
admit it is within the same part.
Int - We understand you to say the entire
brain, the organ as a whole, or rather the
manifestations of the entire brain are affected
Ans - I dont know whether it is possible for
me to give the idea - unless I give an -

illustration - certainly more or less of the seat - in a greater or less degree in affecting all organs as to produce general mania, or interfering with its operation to a greater or less extent. A disease in one part of the body in general probably involves all the parts, yet the degree in which other portions are affected it may not be striking and yet if we press it we can see there is a disturbance which involves all parts of the body after a while - so with the brain -

Int - You do not hold that the brain is composed of separate organs, when one may be affected, and the others not,

Ans - O Dear me - Yes I do that - is the idea I have been frequently trying to convey ---- monomania dont indicate anything - it is like saying a man is sick,

Int - Is not that a correct definition,

Ans - Well it may be a legal definition,

Int - Has it not been a medical definition

Ans - Well perhaps a convenient one,

Int - Has it not been in general use

Ans - Well it is but it is not scientific. No accuracy to it because you can say in any case you can say — there is this single disturbance. It may pass into general raving for instance, yet the shades of transition can hardly be traced.

Dat - Do you think the whole mind was affected
Ans - At times, not all times. The local disease affects other portions of the mind and in pairing their manifestations, as I said this is something like an organ. Two others notes may be out of tune. When the face of music is applied you dont notice the disturbance till he strikes these Keys -
Int - Yes Sir but - there is no affection of the other Keys in these.
Ans:- Yes Sir any scientific Musician will tell you that it affects all the other Keys in its vibrations.
Int - Take a string that is out of tune. but strike G. D. A. that are in tune. now they give their proper tone.
Ans - No Sir they will not as a scientific fact -
Int - Was this a disease of the intellectual faculties you speak of. your connection of the different operations of the mind and their operations through the brain - disturbed or only involves to a greater or less extent - disturbance of the others.
Ans - — by the operation of emotional faculties so that the influence of the affected one affects the others.
Int - Is insanity a disease of Brain or of the mind.
Ans - It is a disease of the physical structure

through which the mind manifests itself
I might say in some instances there is blindness
by structure of eye being impaired - and want
of perception of the glo- of - is due to the
structure of the Eye and not to the light - and so
in insanity it is not that the mind is diseased
but the structure through which it operates is
diseased.
Int - Dont you know that there have been proper
inspection who on the best post-mortem examina-
tion no traces of disease has been found.
Ans - That is very true sir - You can see a
tree growing. You can observe the change.
There have been cases when we have failed to
get the evidence of material change
Int - After the tree is cut-down you can deter-
mine whether there is any rotten part in the
core.
Ans - The real changes which take place in the
material body. while manifestation of the
operations of life take place invisible to any
sense changes in molecules or atoms of mat-
ter of the changes necessary to manifestations
of life is dependant upon the proper action
of action of the molecules with reference to
each other: there may be such a change in
the atoms of matter as to incapacitate them
parts for the performance of their functions

and yet no possible change occur by which we can determine the character of these changes The way we arrive at this fact - is that we can pass on - digest from the — changes shading all the way down till it shades out and all the time characterized by change of the character of the material. This one may we pursue it - till it loses itself in the invisible We can determine sometimes by examining matter passing away by Chemical Analysis. the character of the changes which take place by the products of these changes. So act of the body can take place without destruction of material of body that is a physiological — action. demonstrated law rather. when there is a change in the action of the body there is in most cases in the material of which the body is composed - thus we can pass from scarcely observable and not-observable changes shading deeper and darker until we get the products of disintegration sloughing - mortification and death.

Int - You say there is an invisible Molecule or something which is beyond the power of examination.

Ans - Of direct-examination - Yes

Int - You assign that as a reason why there are frequent cases of insanity where

the last post mortem examination does not find any traces of disease of the brain,
Ans - It is to some & less but not much the number of them is considerably diminished. you might find them in Books as old as the Deluge,
Int - Do Doct Ray - is that as old as the Deluge,
Ans. Yes Sir
Int - You assign as a reason there is an invisible something which can not be subject to investigation but you infer there is something affected,
Ans - As in other parts of the body there is nothing in the brain, it is in the effect of chemical you put two together and you don see the change which takes place,
Int - You say you can not answer that question directly,
Ans. - I have answered it directly I stated that was the fact
Int - I asked you the question whether in this case when you failed to find any indication of the brain that there was an invisible something which you had not reached, had you not investigated, but you still infer that there was some organization of the fact,
Ans - Yes Sir,

Int – How do you know.
Ans – Our Knowledge depends upon the process of induction. How in the examination of natural facts it is not material Judge from facts which enables to see any Law – You may find thousands effects that would be sufficient to establish a Law and because uncaused effect that is discovered may overthrow the Law. We endeavor to find an essential relation between the effects which observed closely give established and scientific Laws. on any one then facts to many other facts will not have been fully discovered.
Int – How is it that invisible Molecule can make a man insane.
Ans. – Precisely in the same way as same invisible Molecule in the Liver will disorder that organ and perhaps destroy life. even in the same way. We have found by the inductive system this Law of change in matter opinion It is a Law as well established as the Law of gravitation which though we have not been to Neptune or Saturn we know takes place in them
Int – Do you state that the operations of the mind are as well fixed as the motions of the Planets.
Ans – Ido not say that
Int – Do you not know that there are conflicting theories upon this subject – Some great writers

contend that aberation is in the essence of mind and others that it proceeds from the blood.
Ans - I suppose there are such men. refined some of the greatest minds subject to the greatest delusions.
Int - According to your ideas - Dont they do the same thing.
Ans. - So Sir.
Int - Dont they call your theory erroneous.
Ans - So Sir.
Int - They conflict - do they not.
Ans - Every truth has to grow, and the fact of truths not being admitted is no proof that they do not exist.
Int - Gen stated this patient had a very rapid pulse - Weak?
Ans - Yes Sir
Int. Have you ever examined personally to this time or since any individual of a highly nervous temperament - who had committed the act which this man committed and was approaching the time of his trial.
Ans - So recently I have not. I have formerly done so. I recollect two cases very like.
Int - Will you state whether a man of highly nervous temperament - who had been accustomed to the use of ardent spirits, & immediately & suddenly deprived and placed as this man is - that his pulse should run to

a high degree, is it not natural.
Ans - Not without other circumstances. The pulse taken alone is not an indication of any thing definitely - it is to be taken in the connection with other things. If then other things concur, then the rate at which the pulse has been, is increased For instance I found that from day to day week to week that whereas the general health improved very much and the mind became very steady yet this rapid pulsation continued
Int - Do you know the speed of this pulse, in ordinary circumstances.
Ans. No Sir - I do not. I judge in connection with other circumstances.
Int -- You say his ear was flattened.
Ans - Yes Sir.
Int -. Is that a mark of insanity.
Ans - Well sir it is an indication. We have to look at little things which perhaps seem insignificant - but it is the little things. it is one often which alone perhaps might pass unnoticed but which might in connection - It is one which is usually called attention to and probably having relation to a disturbance of the nerves. It is a fact which has probably reference to the inner vision.
Int - Does that give any particular formation to the Ear.

255

Ans. Yes Sir.
Qst- Is there an item to be looked to in judging of temperament.
Ans- We look at it as we look at the complexion look at its formation in various patients.
Qst- May not a man have both of these things and not be an insane man.
Ans. Oh certainly - one of these things may perhaps not have much strength but taken together they become as strong probably as the wires of a Suspension Bridge.
Qst. How many are requisite to determine.
Ans. - Much depends upon the sharpness of the eyesight, and the amount of slight gathered is increased by the greater number of symptoms I might be determined by several four or five perhaps alone. I might require a larger number of symptoms and to observe the formation in order to come to a conclusion in a particular case.
Qst. Why is it these particular symptoms show an affection of the emotional center.
Ans - I may mention for instance this action of the heart. the rapid action of the heart in wires a weakened rapid pulse for the heart and this particular center are immediately connected through the medium of the nervous system. The action of the

heart- depends upon the nervous system from the base of the brain near the emotional centre. and in immediate connection with it- are nerves which pass downwards being connected with the organs of the Chest- and the organs of the abdomen especially becoming connected with another series of nervous chords about- the Chest- and abdomen which we call plexuses. Now it has been observed that- the Stomach may be disturbed or the heart disturbed and no other organs. the connection of the brain and heart- is through these nervous plexisis

Int- - Loved great- alarm and anxiety have a tendency to quicken the pulse.

Ans. Yes Sir

Int- - Is it- not- a common thing

Ans - Certainly

Int- - What- kind of Insanity do you consider this dependant- labouring under.

Ans. Local disease of the brain producing disturbance immediately of the Emotional action or manifestations of the mind.

Int- - Is that all the designation you can give-

Ans - If I should adopt- a definite technicality - I should say he has Monomania but- that- is a loose designation.

Int-. Monomania. means madness on one subject-
Ans- Yes Sir
Int- You stated if I understood you correctly that you enquired of him as to his health and he proceeded to give you minutely a severe fit-of sickness
Ans - I think I made that in reference to a sickness which I supposed to be a few years ago but upon inquiring found out-it was forty or fifty years ago: before he came to this country at all events
Int-. You will state whether in your judgment-upon dependent from the investigation you gave of him did not-have an appreciation that-he was liable to the penalty of murder.
Ans. No Sir. Not-at-all at any time
Int-- How do you determine that.
Ans - From his repeated assertions and from his manner which was convincing with regard to his own sentiments with his opinion all that-he needed to do was to state his case and the Court would justify him and let-him off-
Int- - Did he seem aware that he was going to have a trial.
Ans- Yes Sir
Int- Did he seem aware of what that

trial was for
Ans - Yes Sir,
Int - But he was convicted he would be acquitted
Ans. - Yes Sir
Int - Is that what you mean
Ans - Yes Sir
Int. Suppose he had stated in the same manner - manner you have described his regret for having committed this act would you say then he had no appreciation or consciousness of what he had done
Ans - Oh no Sir.
Int. You would not -
Ans - No
Int - You base your conclusion in that respect then upon his appearance at the time you saw him and his conduct in your presence
Ans - Yes Sir - in that part of the facts which I myself observed.
Int - You stated that this disease of the emotional centre had the effect to deprive him of the power of his will & choice and controlling his moral actions.
Ans - Yes Sir. not wholly. not at all times but that would be the effect according to the degree or extent of the disease in this case as in others. not perhaps in every other

mill in all respects.
Int - Would it have that effect upon these subjects.
Ans - In my opinion it would.
Int. To what extent in your opinion would your life that the symptoms you discussed show a state of this disease of this organ of this brain or emotional centre so as to deprive him of this power to control his actions
Ans - That the disease is not extensive by the fact that in very many particulars he manifests control over his mill, it is in this centre it does not extend to such an extent as to involve faculties of this mind in complete overthrow.
Int - I ask you as to effect, how far it would deprive him of this power to control himself when under influence of this particular subject
Ans. - I should say he was entirely incompetent to make a proper mental volition and act of will.
Int - When he was not under excitement?
Ans - It would vary upon the extent and degree of the excitement of course as noticed from my own observations, and from the testimony.
Int. Suppose that when he was raging at

the very highest rate upon this very subject and upon the appearance of a neighbor whom he suspected he showed immediately change and become calm, quiet & contented & would you say he had no control over his mind and will?

Ans - No control, like an ordinary control There is another - which is brought into play - it is a strong evidence to my mind of the existence of delusions.

Int - Does it not indicate his power to control himself when under the influence of that subject.

Ans - Not of a simple will.

Int. You say it is not an act of the Will?

Ans. - Not necessarily.

Int. Would not the fact that the Defendant whilst scolding and raging at his wife and whilst acting under the influence of the subject you have mentioned, would upon the entrance of a neighbor whom he suspected immediately cease and become decidedly calm and contents indicate that he possessed the power to control his mind and acts and to judge between right and wrong.

Ans. As I do

Int. Were you present at the examination

of Ralph?
Ans.- No Sir - as I before stated I did not know anything about Ralph until about ten days after I had examined his Brothers.
Qst- Were you in the City the fourth of September,
Ans- Yes Sir.
Qst- What is the effect of mental abberation of the memory.
Ans- Sometimes - the memory becomes - in power - sometimes it is weakened - Sometimes there seems to be a - increase of memory so far as the facts and events of a certain period of time are concerned.
Qst- Is the common?
Ans.- No Sir
Qst. What is the general result?
Ans - It is ordinarily impaired or disturbed thereby interfering faculty.
Qst- Do you mean by disturbed to weaken?
Ans.- Well it may not involve the memory at all, it usually disturbs the memory upon its accuracy.
Qst- Is this power of memory necessary in your judgment in determining a mans responsibility for his acts.

Ans. Oh memory may be present- and yet- in my opinion the man not —
Qut— Is it- requisite
Ans - Yes necessarily.
Qut - Is it- requisite to his responsibility
Ans — If present- I do not understand that it necessarily rendered a man responsible I dont understand you.
Qut - I asked you if one of the requisites for enabling a man to determine his relations between himself and others
Ans - Without it - would and could be responsible? of course not; and with it he might not be; this is necessary to explain my position. I will not be led into absurdities.
Qut. Now if it should be proved here that this defendant came in to this country poor and in moderate circumstances and that by his energy skill and good business habits he had acquired wealth that all along up to the time of committing the act in question he was a capable thoroughbusiness man with sound mind would it tend to shake you in your opinion that he is insane.
Ans. No Sir
Qut. It would not

Ans - No Sir.
Int - and yet - you say his whole faculties are affected by this disturbance of the emotional center.
Ans - To a greater or less extent.
Int - If he could do all the things I have stated to you would you not infer that his faculties were affected to a very small degree.
Ans - Yes Sir.
Int - At the time you went into Jail into the defendants Counsel to examine Hopps did you give any notice to the District-Attorney.
Ans. No Sir,
Int - Where was he taken when you made examination.
Ans - The first time I saw him he stayed in the Hall below
Int - Were you in the habit after of taking him out by himself into an upper room.
Ans - Yes Sir.
Int - At any of these interviews was the District-Attorney notified.
Ans - No Sir
Int Was there any body there except - there Counsel
Ans - There were other Physicians.

Qust. - Doct Rae and Doct McFarlane &
Qust - What other Physicians
Ans. - Doct Rae and Dr McFarlane.
Qust - What Doct Rae
Ans - Doct Rae is Professor of anatomy
in the Rush Medical College and Practitioner
of medicine in the City
Qust - He is not Doct Ray of Providence.
Was there any body there but the Defendants
Counsel and the Physicians you and
they selected.
Ans - That is all - I was there at their request -
and I supposed they were and they seemed
anxious to give him a perfect examination.
Qust - Have you had any consultation
with those other Doctors while in the Jail.
Ans - I have not had the pleasure of meeting
the other gentlemen till we came in to this
room.
Qust - Have you at any time
Ans - Only at the time I met Mr Rae and
McFarlane
Qust - Did the Defendant seem to be a man
of great pride, vanity and daily esteem.
Ans - I should not call it that exactly
he had a great regard for his honor
Qust - Does not that come from the same
qualities?

Ans – I saw nothing of self Esteem in an offensive sense.
Int Was he a man of considerable pride and self esteem.
Ans – I dont like those words because they may convey false impressions
Int – An impression against Defendant.
Ans – against my belief –
Int – Are those not common words
Ans – Yes but they are often used in an offensive sense.
Int – It is not necessary they should be at all.
Ans – Under your explanation I will say he did.
Int – On the occasion of the Horse difficulty his wife took part – Did he not state that
Ans – Yes Sir.

Direct Examination resumed –

By the Judge

You illustrated some time ago by an Organ. Something that you stated I would like to know – how it is the philosophical reason for insanity upon some particular subject and yet the mind to be right upon others.
Ans – Simply that the different faculties of the mind, the different manifestations

of the mind take place through particular parts of the brain; when these parts are diseased, the manifestation of that particular faculty is a disorderly one or a diseased one,

Int. Can an insane person suffering from Monomania at the same time have a knowledge and consciousness that the act he is doing is wrong, and having that consciousness and that knowledge control himself in doing the act;

Ans - He may have a knowledge of right and wrong and yet want power of Choice,

Int - In reference to the particular act he is doing having knowledge and only being a monomaniac is there any such thing as that he can control himself -

Ans - There are numerous such cases.

By Mr McComas.

Int - Knows what he is doing is wrong and cant help doing it;

Ans - Cant help doing it;

By the Judge

Int - What do you call that,

Ans. What particular faculty is involved in the local disease of the brain is a question for observation.

By Mr McComas -

Int. - Would that be true in respect to both mental and moral memories as far as they are concerned in their mechanism in the brain.
Ans - They are both identical the distinction is an asthetical distinction not a physiological idea. the mind is a something outside which operates upon and through the brain.
Int - It is the organ, not the mind which can be diseased
Ans - It is the spiritual part cannot be diseased
Int - That is my idea
Ans - It is mine decidedly
Int - Upon this subject - of ascertaining the mind is diseased - I want to get a few facts in regard to it - Are the cases few, new and exceedingly rare in which actual Lesion Existence or change of structure can be detected after death,
Ans - They are very rare
Int - Are they more rare now than formerly and if so why -
Ans - They are more rare now than formerly - and the reason is that observation is more careful, more accurate more minute, than in the former cases.

Int. Is it a fact that as the means of discovery have increased the number has gradually diminished.
Ans – all the time.
Int – Do you now find alterations after death which with the means that formerly existed would have been entirely overlooked,
Ans – Yes Sir,
Int. I will ask in reference to these molecules whether the Doctrine you have applied to the brain does not apply equally to any other structure and that the brain is affected as you have stated the brain was affected.
Ans – I have stated that there was a simple physiological law with the development growth and change of every organ. the brain is not an exception as far as that is concerned it has a common action as of muscle or of gland.
Int – Whether or no it is a frequent occurrence for persons laboring under delusion of a sensitive nature that they will in the presence of parties who are not sympathising with them in it attempt to conceal and deny their delusions.
Ans The Books are full of that kind and every means of perverse shows that as

of daily occurrence in the case of Monomaniacs as it is called.

Int - Do they not often laugh and jest about them under peculiar circumstances.

Ans - Yes Sir

Int - In speaking of the chronic character of this disease and your opinion that it has been in existence for years in the form which it exists did you state that from what you have thus examined of the state and condition of the man, & from the evidence you have heard of?

Ans - I made up my mind before I came into Court - from observation, and have heard no testimony to alter my view.

Int - Is it not common when persons are confined for Lunacy when you come up to them in a frenzied and come up to you.

Ans - Oh yes a raving maniac in all that respects.

Int - Would not this fact confirm you if after this new intervention of a subject had been withdrawn the mind went back in to the same Channel.

Ans - That is a common form of delusion

Int. You stated that would be so in a fever

Ans - Yes Sir

Int - In reference to the question put to you

Qu. I want to call your attention back to the person you control and in relation to the intervention of a neighbor or friend during one of these spells you assumed that they would not influence you to believe that he had power of the will to control himself upon that subject. I ask you now to explain how that is effected. What effect it.
Ans. Momentarily all character their delusion do not take place. suddenly they are disciplined by other means, other influences than displacement being according to circumstances The emotion the dominant influence of his mind which gain away on the introduction of a neighbor. the first emotion was displaced by another emotion which now take its place,
Qu. Is it not common when persons are confined for lunacy when you come up to them will be quiet and come up to you.
Ans. Oh yes. Raving maniacs will do that sometimes,
Qu. would not this fact confirm you if upon this new intervention of subject had been with drawn the mind went back into the same channel that is a common form
Ans. That is a common form of delusion
Qu. You stated that would be an influence
Ans. Yes Sir.
Qu. In reference to the question put to you —

with regard to this man being a good business man during life whether you would consider his mind but little affected, do I understand that all his faculties were but slightly affected or but few of them much affected.

Ans – But few of the faculties much affected and the balance not much perhaps not at all more or less. I may not be understood that but few faculties, perhaps a single faculty would be affected powerfully and the others but little.

Qu – Do you believe that a man who has a fixed immovable delusion in the sense in which we Lawyers and others use the term delusion unfounded upon fact: incapable of exercising judgment upon it – of perceiving the ordinary reasons that operate upon everything else as far as it touches that question and his whole mind so inverted that it runs to the occasion of reason and that is an immovable disease, do you think he is upon that subject – or can be considered as having his free will, or a moral sense right – having or the results which may flow from it.

Question objected to.

Mr Knox – I don't believe he can mean how we Lawyers understand it.

Mr McComas –

I will retire that
Ans- We call it a delusion when a man takes a false notion affecting his motives of life. that is based upon no reason that is permanently immovable by reason, With that definition in view you go on and state what would be his power of control over that subject. his power of will, and his power of right and wrong how far they would be involved
Ans- The very presence of delusion renders necessary alteration, want of power, comparing between right and wrong, understanding between right and wrong. Choosing between right and wrong. not only understanding but choosing. A delusion of the kind you have mentioned would go far to impair or destroy control upon understanding the difference between right and wrong. the power of choosing between right and wrong. even though right and wrong be understood They may be one of the other or both as the result of the delusion
Ans. You spoke of Apps having told you about some disease he had. Did he give you any reason to believe at any time from anything he said or did. had you any reason to believe that he thought it was of recent occurrence.
Question objected to.

Question with drawn,
Int. Did he say or do anything to make you suppose the disease was of recent occurrence
Ans- No Sir not at all.
Int- Did he not promptly tell you when it was,
Ans- When he had gone on for some time I asked him when it was - thinking he would say three or four years, or four or five years and he said nine when I was a boy eight or ten years old.
Int- Are you examining Physician for Insurance Companies, and is it your business to examine the pulse and symptoms of a mans constitution. that is that you are called upon to examine both healthy and unhealthy persons alike.
Ans- I have been examining Physician for Insurance Companies for a number of years.
Int. Do you examine the pulse,
Ans- Yes- We examine all the portions of the body; the object being to discover latent diseases.
Int- What is the usual limit of a healthy pulse.
Ans- The average pulse is from seventy two to seventy five in an adult, if there is any material variation from this we look out for disease. It may not be evidence of-

disease but it leads us to examine with great care. Insurance Companies are very particular upon this point.
Int. Does the pulse in a healthy person under sixty ever go up to ninety
Ans- Well the pulse would vary but when - hour after hour day to day, week to week under circumstances of perfect quietude as near as under excitement - if we find that the pulse remains so rapid we consider it indicative of disease.
Int. If excited by the emotional powers would it speed be varied, or would it decline,
Ans- Very speedily decline.

X Doct Henry Wing called and examined
By Mr Dexter
Int. When do you reside
Ans- In this city
Int - Are you a Physician
Ans- I am a Physician
Int - How long have you been a Physician
Ans - about sixteen years - a little more.
Int - Are you engaged in the general practice of your profession now-
Ans - Not at this time. I have been up to this time. I am at present a Lecturer and teacher of medicine

Int- Have you any other occupation or medical character

Ans- I am a member of the State Board of Medical Examiners & Surgeons for the Army-

Int- State whether the Physiology of the brain and nervous system are subjects of general practice in your profession.

Ans- They are

Int- State what is the received opinion in your profession as to the existence of partial insanity

Ans- It is the universal belief in the profession that so termed monomania and sometimes partial insanity does exist. In what it usually I dont think can be correctly stated in a word without some qualifications.

Int- What is the received opinion of the better portion of your profession of insanity being a disease of the body, and if so what part of the body-

Ans- The opinion which is almost if not universally received is that insanity is always a disease of the brain. That the brain is always changed in some of its conditions in insanity.

Int- Have you examined the prisoner William Hopps.

Ans- I have twice.

Int- State when and what length & extent

your examinations were made.
Ans - The first time I saw him was on the 2nd day of November of this year in Jail. I spent I think about one and a half hours in his company at that time engaged in endeavoring to form an opinion as to state of his health, in bringing him to some extent and to some extent examining him. I saw him again last Saturday week in the same place & under same circumstances. I did not spend so much time with him then as before.
Qst. I wish you to state the result of your examinations. the physical part of it, what symptoms you found having reference to the brain, and explain them fully.
Ans - In my first examination I confined my physiological examination chiefly to the pulse which I counted at various times for about half a dozen times during the period of one and a half hours desiring to find whether it was uniform, whether it was altered by any circumstances, examining in order to learn what his absolute character was, under different mental emotions, as he conversed upon various topics. I found it in one sense uniform. That is it was uniformly irregular. No successive terms of a quarter of a minute would be regular

but the series of them would be regular, and varying from 105 to 120.

Int— Go on and state particulars of the remainder of your physiological examination of the prisoner.

Ans— My physiological examination at that time was confined to that part, I saw a general observation— I completed my physical examination at the subsequent interview. I found the same difficulty in getting his mind to flow in those channels which I desired it to go, and therefore spent a good deal of time at the first interview to get his mind on those points which I required. I made no inquiry from him, except a general observation of his physique. I judge him to be over 55 not over 60. I found his skin to be thin with an unnatural appearance. There was a moisture about it which differed from an ordinary unhealthy skin; there was an appearance about it which I cannot well describe I might call it Cadaverous and unhealthy, an unnatural state of the skin

Int— State in regard to your second interview—

Ans— I found at the first interview that the pulse indicated material lesion of some organ. I proceeded at the second

witness to find out what it was. I found the abdomen large but no evidence of special disease in the abdomen - I examined the lungs with the same result: I examined the heart but found the action feeble but not giving evidence of special alterations of structure. I judge its muscular action to be feeble.

Int. - Have you any other symptoms or any other particulars of your examination.

Ans - I believe I have stated them all unless I should mention in addition to the others. - Yes as to respiration. I made a careful observation of the relation of respiration to pulsation. There is a natural relation to respiration and pulsation in a state of health. I desire to know if it exists in this case: in a state of health there is an average of four to four and a half pulsations to one respiration. I found he had six to one which I considered as decidedly abnormal.

Int. What do you mean by abnormal -

Ans - I mean the evidence of some important vital disease.

Int. - After this particular examination did you come to any conclusion as to a disease of the brain, and if so what was it -

Ans- I can not hesitate about that answer for I was asked to state about my examination but I examined him about another point which is as to the odor of the skin. The function of the skin when altered is sometimes indicated by an odor which attaches to the altered action. but it is particularly so only in relation to some diseases of the brain. it is also true that in any case we verify our diagnosis by the odor of the skin. I found an unnatural odor in his skin it harmonized with my other impressions I thought it harmonized with the disease of the brain. I judge there was disease of the brain.

Int. You came to that conclusion from your examination.

Ans- I came to that conclusion

Int- State what strength and force this opinion has on your own mind.

Ans- I have no doubt about it I feel as much assured about it as I do about any medical opinion.

Int- Had your conversations and examinations with the prisoner for the purpose examining as this correct conditions. detail what it consists in and after that I shall ask the conclusion you arrived at.

Ans. My first observation of the Prisoner

was of his personal appearance and expression of countenance. I saw him having the length of the Hair in the Jail when I think he was not conscious any one saw him. I noticed his bearing in the room about I entered into a conversation - and I - attempted to satisfy myself as to the original character of his mind and led him to talk about his early influences his pious impressions and the family influences to which he had been subject - and as far as practicable to his whole history to the present time. I found according to his statement that his mother was a Methodist - that his father was converted under the preaching of Wesley in England, and he mentioned with a good deal of pride that his father had a Bible which was presented to his grand father by Wesley - of large print when the eyes grow dim. I endeavored to ascertain whether he shared in the sympathies and character of his father and Mother as to their relations, associations and feelings He had the impression he died he said that if his mother had lived he were would have been of age. I got the impression that his mother outlived his father. That he had always been affectionate towards them and

cherished their memory and principles, he seemed to have pride in that and thought that was the principal part of his early character he stated that he had not united with any particular Church but had kindly feelings towards all and would help them. —
This examination was intermingled with a history of his personal health. I found it very difficult to confine him to any one point taking up suggestions and thoughts which would lead him off the Subject before it was finished.
Mr Knox.

Give us the words so that we may see what was the take.
Witness. I could not possibly make my mind follow the Channel which he did because there was no clew to it; some of his ideas I might remember in speaking of what his health had been. I remarked his abdomen was large, and asked him if he had had disease of the Liver. He said he had in Vermont and proceeded to detail of his treatment and that led him to experience he had in the woods and then he forgot his health and went on to talking about the Chopping or what he was engaged in. I would have to

resume my conversation in order to get it complete
He said he was salivated at that time but
he had had general good health and
was always able to do a large amount of
business. he thought his mind was not
affected except some nervous affections which
he mentioned to me as having occurred
in business in Canada which required a
good deal of care; that he employed a
good many agent and that he lost a good
many nights sleep and these nervous
spells had troubled him ever since.
I endeavored to get him to describe these
spells but I could not understand his
descriptions or I dont remember what his
language was. I led him from his early
history to his later history his enjoyment of
life and prosperity and he said he had
never had but one trouble and that related
to his wife and connected in his opinion
with a certain difficulty with one of his
neighbors about a horse his narration was
confused and I had to ask him a good
many questions so as to get at it but the
amount was that his neighbors wronged
him and he inferred from that they had
conspired against the sister of his wife
I interrogated him then closer to find his

reasons for that opinion - he said that one of the Arbitrators who had dissented he showed pay half of the value of the horse had previously said to him he should not pay anything and he knew that a man could not have so changed his mind without being party to some Conspiracy and he was satisfied it related to the subject I have mentioned. He gave some additional reasons, one was my position on that his wife had distinctly confessed her guilt on one occasion & I asked for the terms in which she did it - he said when he came to Chicago once to sell some wheat he left her somewhere in some room and he found her in tears and she said when questioned as to what was the matter "If it had not been for that Filkins difficulty we should never have been in trouble" I asked if she in any other terms admitted it - he said oh no not at all. I asked if there was anything in the conduct of his wife which would confirm that. he said she would sometimes become alienated from him and then she would go back He spoke of her general character into a good deal of detail. that she was of unusual virtue and that she looked upon anything wrong with the utmost abhorrence. I asked

him what acts this man had used to alienate his wife from him and he said he did not know. except such as these men use.
He mentioned a Bear which was opened by Filkins. He said that his wife had confessed that his interpretation was the true one, and that it referred to her infidelity. He & friend Filkins and himself was to getting after this bitch of a child. it was a boy in which he had some pride and he made the remark its my bear and as I remember he said "the men who get boys are the men that use are the tenzes, Her spoke after this to his wife and she said Oh he didn't mean that he meant the other way. Another Conversation was that in Company with Filkins engaged in selling Real Filkins said, "these women are nice things after all" and he said at that time his wife had been reconciled to him and he knew by that, that Filkins had connection with her and it was full proof of her infidelity.
Int. After that physical examination and the other did you come to any conclusion as to his sanity or insanity.
Ans - The action of his mind in the Conversation was clearly insane - It is - in reason naturally. there was always an insanity

of feeling in what he said. I led him to talk about his children and his relations and he made the impression upon my mind of very pretty kindly feelings. I asked him about his wife and the killing and he said by implication that he knew it, and then he said he knew that he had done right - and if they hung him, that was what he wanted to do, and he showed do so now. I asked him of the subsequent facts before killing his wife. He said he knew he slept on the lounge that night and that next day he went to see his wife and that she was still living and I asked if he had any feelings of regret. He said no - he had not any, that he had no need to have. As to the action of his mind there was a general kindness of character, a marked tenderness and disinclination to any out of violence and a total want of recognition that in killing his wife he had committed any act of violence, and at this point I was careful to have my finger on his pulse and I could not see it was affected in the logical part of his mind was totally inadequate as there was no action with it at all, and the feelings which he showed were very much at variance. I thought -

he seemed to feel a sort of elevated conciousness of rectitude when I saw him walking across the hall.

Int - Did you come to any opinion as to his sanity or insanity.

Ans - I regard him as insane.

Int - Have you any doubt of it-

Ans - None at all.

Int - From what you have seen give us your opinion as to its permanent or transient character.

Ans - I judge it to be a case of slowly developed hereditary insanity. this form of insanity is seldom met with out a hereditary tendency of some sort I think.

Int - And when you do find it the hereditary tendency is considered important.

Ans - The most important question is the history of the family. there are some diseases transmitted from parent to son and daughter with a high degree of certainty to a disease or rather tendency to disease. which may or not develope according to circumstances.

Int - You have heard the testimony in this case.?

Ans - I have heard a great part of the testimony

Int - Assuming the testimony with your

examination and the conclusions taking the testimony you have heard to be true would it strengthen or weaken the position to which you have arrived.

Ans- The first question in my mind would relate to the history of the family. If I found insanity in the blood it would have a very strong influence in forming an impression. There are some facts which modify that.

Qst- Take the condition in which you find the prisoner now, and assume the facts with respect to his past history to be true; what would you say as to his condition during the months of June and July in the present year.

Ans- I think this is a case of slowly developed insanity and that the period of four months has probably not made any great change of condition. He might be better or he might be worse. His removal from all the excitements of life, from his family, & from all that is anti-agonistic to him would perhaps be favorable to his improvement.

Qst. What temperament did you find the prisoner to be of?

Ans- The predominant temperament is nervous. it is nervous bilious.

Int. Give us your opinion as to whether it is a kind of malady which is an easy one to simulate
Ans- I have investigated myself upon that point in forming an opinion. my conclusion is that a man of his knowledge could not simulate it would be impossible.
Int. Have you discovered any attempt to impose upon or mislead you.
Ans- None- he has seemed to me to be as frank and honest as any man I ever saw. when a man desires to simulate insanity the predominant element of his feeling at the time is a desire that others should regard him as insane he therefore puts on the manifestations of insanity such as he is acquainted with. men who have not studied insanity have not studied his form. men in general who have not studied insanity would not regard it as insanity. therefore if he attempted to simulate insanity he would put on some sort of manifestations which is wanting in this case.
Int-- I desire you to give your opinion as to the personal Character of monomania
Ans- The common symptom is that its first manifestation itself as a peculiarity of character He is called singular and the acquaintance of the subject becomes marked

man impressed with the singularity of the subject - and are astonished at it - He is having periods of excitement in which he does not sleep and in which he is generally insane that is followed by great prostration sleeps perhaps for a good deal like excitements upon the peculiar subject upon which he is especially insane. I believe I might state it to be a law that the antipathies of the insane are against those to whom they are most attached as a general rule.

Qst - Take those with a disposition and temperament to nervous disease and tendency to insanity - what would be the effect - you deem blow upon the head and shoulders.

Ans - I might state that in a general proposition that whenever a disease exists any violence suffered by the constitution in its proximity to the diseased part either induces a new disease, or generally increases the existing one. and a blow upon the head would magnify the disorder, would increase it.

Qst - Take a family with hereditary insanity name the periods at which for incidence in the daughters it would be likely to appear.

Ans - In families there are two periods

life in which disorders of the nervous system would be likely to manifest itself. Periods of change in family constitution are at fourteen sixteen or eighteen, and the others from forty to forty nine.

Cross Examination of Doct Henry Wing
By Mr McAllister.

Int. Who went with you the first time you went to the Jail.

Ans. - Mr Dexter and Mr McComas.

Int. Doct Allen did not go?

Ans - No

Int - Who went with you next time

Ans. Mr McComas and Doct Davis.

Int - Is Doct A. S. Davis professor in one of the Colleges -

Ans - He is -

Int - Was he present at on examination you made.

Ans - He was at the second.

Int - Which College is he Professor of -

Ans - Rush University.

Int - At whose suggestion did you go on the first occasion.

Ans - Mr Dexter.

Int - Did he tell you the man was insane or supposed to be insane.

Ans - He told me had a prisoner there in

regard to whom there was a question as to his sanity.
Int. Did he suggest the subject of Prisoners insanity.
Ans. He did
Int - Do you know what time he was put into the Jail.
Ans - Idont.
Int - Did you take that into account.
Ans - I asked him what was the state of his health since he had been in jail. I have an impression he had been some weeks in Jail
Int. - Suppose a person was a farmer and had been accustomed to out door exercise and he is taken and put in the Jail & kept in a cell alone for part of the time - would that make any difference in his physical condition, state of skin abdomen or sweat of his skin.
Ans - I am not able to discover any connection between such facts and the symptoms I have mentioned.
Int - might there not be such connection
Ans - Well you might be able to form it from some one else. you could not from me.
Int - You will recognize the fact that

Physicians disagree sometimes as to the result of these conclusions.
Ans - Yes Sir I would like to have it considered as a general proposition. Four months confinement would produce changes in the skin but not such as I have specified in relation to the prisoner.
Int. Would a years derangement of the liver produce any symptoms as you have described -
Ans - I would not like to be very positive about that. I would not say positively it could not produce some symptoms.
Int - Might it not contribute to aggravate other symptoms that you saw - I mean a serious derangement of the liver.
Ans - That is true it could.
Int. Would you not say that such a change of the physical condition of the defendant taking him from active life and confining him in jail and different kind of diet would produce a very great change in his physical condition.
Ans - It might do so.
Int - Were you told before your examination that his parents or members of his father's family had been deranged.
Ans - I was not.

Int - In speaking of hereditary insanity do you assume he has been - - -
Ans - I assume that - according to the testimony he has a brother insane which I should consider an important fact -
Int - You think it an important - pen -
Ans - I do.
Int - When and by whom were you informed he had a brother insane,
Ans - I think it was at the time I made the second examination. I think Mr McComas then informed me had a brother insane.
Int - Nothing said before?
Ans - No Sir,
Int - Did you soon after make up your mind,
Ans. - I made up my mind at the first - visit - subject to some slight doubts which I proposed to remove before I became positive
Int - What part - of the brain -
Ans - I dont Know -
Int - - Can not you locate it - all -
Ans - No Sir
Judge -
Int - It cannot be located in any case of monomania?
Ans - Not with precision I think,

By Mr. McCormes -
Int - What do you call the emotional centre
Ans - I dont use the term
Int - Is it commonly used.
Ans - It is used by some authors and some teachers.
Int - Of high character
Ans - Yes Sir
Int - You dont recognize it do you.
Ans - I dont say that. I say I have not used it.
Int - Do you know the boundaries of it
Ans - I think they are not distinctly located.
Int. Can you tell why it is that a disease of portion of the brain produces a derangement of the mind
Ans - If I understood the question. I can. The reason is that the mind manifests itself through the action of the brain, If the portion of the brain is disordered which is involved in that manifestation of mind then the manifestation must be morbid
Int. Can you tell what particular manifestation must be effected by locality of this disease,
Ans - I could not,
Int. Can you by any symptoms you

discovered in this defendant locate the disease you suppose him to have as to the part of the brain.
Ans - No Sir - I think I might answer either separately or individually and affirmatively or negatively. The brain ordinarily means all that that is contained within the skull I think some portions might be excluded but to say with precision I could not.
Int - Do you understand that when there is a disease in any portion of the brain the whole brain and its functions are affected.
Ans. - No Sir
Int - Suppose this man to be very accurate shrewd and successful in all his business transactions would that make any difference in your estimate as to his insanity
Ans - Not the slightest - It is often the case that insane men are quicker witted than other men, quicker than they were before. They were before and shorter at a bargain.
Int - You use it - in its broadest sense to include moral insanity
Ans - Yes Sir
Int - Do you think that on the thirtieth day of June last when he killed his

wife he was incapable of knowing what he was doing, that he was so far insane that he did not know what kind of an act he was committing as to its physical quality
Ans - I presume he knew that -
Int - You presume he knew that?
Ans - Probably - I could not say.
Int - Do you think he was incapable of knowing what would be the civil consequences of that act?
Ans - Yes Sir - I think so - entirely.
Int - That is your conclusion.
Ans - That is my opinion.
Int. You think that at that time was incapable of determining whether it was wrong at all.
Ans - Incapable of forming a correct opinion about it.
Int. My question is - whether he knew the act of taking life was wrong.
Ans - I suppose not.
Int - Do you think he was incapable of seeing the act in general was wrong.
Ans - I desire it to be divided because I can not give the same answer to both. The question as to whether it would be right to take a mans life would be different to taking the life of his wife

I think if the proposition was presented to him under some circumstances and entirely disconnected with this subject- he probably would have a correct opinion but not as regards this one subject. If you had taken his mind off this subject and entirely disconnected himself of his wife and propounded the question is it right to take human life. I think he would be likely to form a correct opinion. But if he was under the influence of these feelings he might not.
Int- Do you think he considered it right to take his wife's life for this reason,
Ans- I think so,
Int. Why do you think so,
Ans- I think so because when he approaches that subject- the balance of his reason is lost in a moment. In one moment he says his wife was the best woman in the world, a pure, chaste woman, and that he married the best woman in the world, and then says he did right-, and considered he had, at the time of forming such opinion his mind was not under the influence of passion,
Int. Suppose he had been instructed

or had come to the conclusion from his own mind it would be a necessary part of the theory to save his own life, could you tell whether it would be possible for him to assume it?

Ans - I have endeavored to form a conscientious opinion, and to base it upon good grounds I am satisfied I could have disturbed the Jurors going same man by conversing as I did with him without such a result -

Int. Mention some of them.

Ans - I alluded to the prospect of his execution, and to the death of his wife and to the circumstances of his children

Int - Have you ever examined the cases of what were considered to be hardened criminals, men who were confessedly capable of doing these crimes,

Ans - I do not know that I have ever made personal examination.

Int - Do you consider warmth of appreciation or want of vindication of self after a man has committed such an act - a necessary symptom of insanity

Ans - Not at all,

Int - Did he say anything to you about his wife having in fact taken sides against him in the trouble about the House,

Ans - I think he did not.
Int. Were you not with Doct Allen
Ans - No Sir - I never was.
Int. Can consider this singularity what-is called eccentricity is not generally the indications of incipient Monomania
Ans - No Sir
Int - I understand you to say monomania was indicated by eccentricity & singularity
Ans - Every Lawyer is a man, but not every man is a Lawyer. every case of monomania shows this history but every case of this history is not monomania
Int - You consider that an evidence yet;
Ans - Not necessarily - It is to be confirmed by development - but it is no evidence at all Eccentricity is not at all an indication of an insane mind
Int - I understand you to say his mind was unsound. you do not undertake to say to what extent his faculties were impaired.
Ans - I have a pretty definite opinion as to the extent his mind was impaired.
Int - Do you make up your mind from these physical symptoms - or what he said.
Ans - I make up my mind from

physical symptoms that he has the disease of the brain: and from the mental exhibition I estimate amount and quality
Int. May there not be disease of the brain without manifest insanity.
Ans- Yes Sir
Int- Quite common?
Ans- Well not particularly, but they are not of the same character.
Int - You did not take notice of the form of his ears.
Ans- I did not observe that.
Int- The marks in his face.
Ans- The general expression I noted particularly and it contributed to my opinion. I might say that my opinion of disease of the brain is formed from physical examinations and pulse.
Int- But it is simply as to disease of the brain.
Ans- There may be disease of the brain without insanity but those symptoms connected with such diseases of the brain would probably be connected with other symptoms which would declare the nature of the case.
Int- You can determine by physical symptoms the fact- there is disease of the

brain but you cannot determine by physical symptoms that there is aberration of mind?
Ans- Not exactly.
Qus- Then you had to rest to talk with the man.
Ans- I could not see manifestations of aberration of mind without I saw the mind act.
Qus- You do not know that these symptoms have anything to do with aberration of brain.
Ans- I am satisfied I do. I will state if you like the amount of evidence I have got-
Qus- By the Judge- You say that from your examination of the prisoner and from the facts detailed in evidence if taken as true, that you think at the time of the commission of the offence charged against him he was probably unconscious of the moral quality of the act: In your judgment in what way did this insanity manifest itself on that occasion, by violence or in any other way. That is by such signs that indicate frenzy, or was it done with a deliberate purpose & calm demeanor

Ans - I should think that somewhere between the two professions with a manner somewhat excited but not highly so, not a wild raving manner, but with some degree of excitement probably.
Int. If a person were suffering under this form of insanity and understanding the moral quality of the act is there anything in the disease that would control his will in the doing of the act as you have found it to exist in this case. In other words is there such a thing as irresistible impulse where there is a knowledge of the moral character of the act in the party.
Ans - There is such a thing as an irresistible impulse to do an act which the subject knows to be wrong. he may have an irresistible impulse to kill some one though he knows that it is wrong he may know that the man he feels compelled to kill is his friend, he may ask others to restrain him when he is unable to restrain himself.
Int - You mean that he has no power of self control.
Ans. Yes Sir.
Int. What has induced you to form that

opinion, what means of knowledge have you upon that subject.
Ans- I suppose it is the literature of the profession on the subject of insanity, and reflection upon the subject and its reasonableness.
Int. Do you know of any cases in your own practice.
Ans - I could not say at this moment that I recall one.
By Mr McAllister
Int. - Buck Medical Jurisprudence a good authority.
Ans- We dont acknowledge any absolute authority in medical matters, our science is a progressive one and the opinion of the author does not govern the reader unless it comports with the facts that have more recently transpired. It is a work of high standing.
Int. Do you know a work by Elwell. Medical Legal & Evidence.
Ans- I do not sir
Judge -
That reminds me of a question as to whether there has been any arrangement between Counsel in relation to Medical Books.
Attorneys - There has been none.

Mr McComas -

I suppose they can not be put in evidence but they may be read.

Judge -

They can not be read except by arrangement with Counsel.

Mr McAllister

The Court speaks now of purely medical works.

Judge

Yes sir non of them works of Medical legal works - but simply cases. unless it is by agreement.

Mr McComas.

I confess I have been pursuing this case with a view to reading medical books but if we do not do so we shall have to examine them at more length.

Direct-Examination resumed

By Mr Dexter

Int. You stated on such case as this had come under your notice. Are such cases reported in the literature of your profession.

Ans - Very numerously

Int. Something has been said as to remark. I made about when this

case was first commenced. Please state all that was said.
Ans- As to sanity and insanity my Doctor stated to me and asked me to visit the prisoner and if proper to state it- I will do so.
Int- I desire to call your attention to what I did say.
Ans. Substantially it was this. That he desired to form a correct opinion if the man was guilty he was willing that justice should be meted out to him. If he was not he was desirous he should have the benefit of the fact- he did not desire me to render any opinion as to any cause
Int. If while physicians may differ as to the cause of certain disease are they not very likely to agree as to its existence.
Ans. There are diseases which are obscure and about which different opinions may be formed, and there are cases about which physicians can not differ.
Int- Is this one of them.
Ans - My impression is that a physician who takes all the circumstances into consideration can not arrive to but one conclusion.
Int- Did you examine the liver.

Ans- I did
Int. What was your conclusion.
Ans- I considered it was not the seat of any organic disease
Int- You was asked if a diseased brain would indicate an abberation of the mind without consideration of the disease you replied -
—— I desire to know now if you discovered a disease of the brain, before you examined the man mentally would you consider him insane.
Ans. I think I confined myself to a physical examination. I think I should be without a reasonable doubt.
Int- Is Doctor Ray a Standard work upon Medical Jurisprudence.
Ans. I consider it a work of high standing Something is required as to limitation of authority as I said before.
By Mr McAllister
Int. Has he not been considered an Extremist
Ans- Well Sir I dont know. Our estimate of things is different from yours. We have kept pace with the new inventions and you have gone according to old rules.
By Mr Knox

Qust- Did Mr Dexter say that the question of sanity or insanity was to be one important issue in the trial.
Ans- He asked me to visit him for the purpose of forming an opinion upon that point.
By Mr Dexter
Qust. Did I not further say that I had formed no opinion myself and that I desired to know
Ans- I understood Mr Dexter to say that he did not intend to commit himself to a defence unless satisfied that the man was innocent. He would not be identified with it on any other terms.
By Mr Knox
Qust. Who introduced you to defendant-
Ans- I believe Mr Dexter
Qust- Did he introduce you as Doctor Wing.
Ans- Yes Sir

Doctor H. H. Davis called and examined-
By Mr McConnel.
Qust. Where do you live
Ans- In the City of Chicago.
Qust- How long.
Ans- Since 1849
Qust - What is your business:

Ans- The practice of medicine
Int- Are you a regular Physician a graduate.
Ans- Yes- Sir
Int- Have you any other employment besides your ordinary practice - if so say what it is-
Ans- I have been connected with a Medical College here since I have been in the City as Professor (with the exception of one year as practitioner) of practical medicine and also of Clinical medicine in the Hospital.
Int- Are you connected with some Journal
Ans- Yes-Sir - A monthly Journal called the Chicago Medical Examiner
Int- Did you know the prisoner Hopps
Ans- Yes Sir.
Int- Did you ever know him before he was confined in Jail upon the present charge-
Ans- Not that I know of -
Int- State whether you were called upon by Counsel for prisoner to examine him - and if so whether you did examine him.
Ans- I was requested to see him in prison and examine him and I did

so as to his physical condition. I was requested by Mr McCormas I think and I went in company with Doctor Wing and Mr McCormas.

Int - State the facts of your examination what you did with reference to examination of his physical condition and what you found it to be

Ans - I enquired pretty closely with regard to his previous health and history and made very careful examination of his condition physically as far as it could be done by examination of the circulation of the blood, pulse, auscultation &c

Int - State all you did that - your thoughts - all pertaining to sanity or insanity. State what you found to be the state or condition.

Ans - From the history he partly gave me of his previous health it appears he had not enjoyed good health but suffered from indigestion & some inclination and constipation for a good many years there was also periods of palpitations in the heart - dizziness in his head.

Int - Any thing in reference to the kidneys.

Ans - The secretions of the kidneys were not natural most of the time I think

scanty bile than natural, it was represented as deficient and had been deficient many days for a considerable time
Qst- Did he describe the character of the urine, and was that in such a condition as you recognized the existence of disease.
Ans- He did
Qst- Did he speak of the state of his health since in jail.
Ans- He did - he represented his health since in jail as at least for a week or so previous to the examination as having improved, being better than he was at first He suffered bile in digestion
Qst - Did he speak of his constipation immediately after he came in to jail.
Ans- I think he did -
Qst - Did he say how long it was.
Ans - I could not state, but he said they were very inactive and suffered much from bad feelings at his stomach and side.
Qst - State what physical examination you made of him.
Ans - I examined the state of the skin finding it generally natural temperature but rather dry. The pulse was

small, weak decidedly more frequent than natural but a little varying not uniform. I think it ranged between 90 and 100.

Int. What other symptoms

Ans- The region - the Hypochondriac - region of the liver & spleen seemed fuller & rather than natural. but not very much so. but rather fuller - By applying a Stetho-scope or by auscultation applied to the Chest - I discovered no evidence of diseased lungs. But the heart's action was weak and quick but - sounds natural. that - is the proper sounds of the heart - as we call them - the force of this pulse was weaker decided by than natural. I think the temperature of the head was a little more than the body and as natural. I did not notice it - as very much so His manner was a little quick and excitable yet not as though he was disturbed by excitement - but motions rather quick as though he was recovering from some nervous im-pulse his manner of speaking was of the same character.

Int - When he got - under way did he talk rapidly or slowly -

Ans - He talked rapidly -

Int- State anything with regard to the cause of his ideas or subjects upon which he talked
Ans- He talked rapidly the one prominent thing I noticed was his disposition to wander from the ideas on which he started. he led off upon side issues. he apparently forgot what was the leading topic.
Int- Did it-prove so in conversation upon all topics.
Ans- It seemed to - and I think sometimes he was a little lost in his expressions as they -
- Before he could express himself the idea was ordinarily lost.
Int- Did you converse with him in relation to the history of his prosperity and of his life.
Ans- I did some but-not-very extensively.
Int. Was the subject of the jealousy of his neighbors mentioned.
Ans- Yes-Sir.
Int- Did he assign any reasons or attempt to assign any.
Ans- I think he assigned no other reason than simply that he had become jealous after gaining out of some transactions in reference to a horse in which his neighbors took part-
Int- The reason assigned had it-any significance whatever.

Ans- He stated no facts which had any direct connection with the conduct of his wife only general allegations of difficulty about his wife and that somebody had taken liberties with her-

Int- Did he say they had taken some one else or had got some one else to do it.

Ans- I dont think he stated to me, who it was but spoke of them.

Int- Did he speak of any time he was at the Sherman House.

Ans- No Sir. But when asked what reasons he had for suspecting the infidelity of his wife he said that once while he was here in the City he found her sitting and weeping or something, and he asked what was the matter and she said if it was not for the difficulty with the horse transaction they might be very happy. and he regarded that as a confession of criminality

Int- I thought he had stated something about reasons at the Sherman House to you.

Ans- I think he did not. I did not ask anything in relation to them

Int- Did you examine his countenance very carefully.

Ans. Yes Sir

Int- How did his manner impress you as to

his sincerity
Ans. I examined his countenance his mode of talking and moving and laughing. he was perfectly sincere but his manner was singular & irritable mixed with decided feebleness of mental action.
Int. His laugh - was it singular
Ans - In the course of conversation he said something at which he laughed which struck me as much indicative of mental impairment approachment towards Hementia
Int - An idiotic sort of laugh?
Ans - Yes Sir
Int From the examination you made did you form any opinion as to the character of his mind, to soundness or unsoundness and if so what was it?
Ans - I formed the opinion his mind was decidedly impaired, unsound originated in decided impairment of nutrition of brain and heart both -
Int Had you any doubt in your mind
Ans - I dont think I had
Int What is your opinion as to the length or duration of time which the man has suffered under this disease.
Ans - I should suppose if the opinion I entertain about the nature of the case is correct -

I showed suppose a good while. a term of years I suppose the change has been very slow.
Int- Have you ever conversed with Doctors McFarland. Allen Smith or Parker & sept- Doct- Wing upon this subject-.
Ans It Sir not any one in the City
Int. Would the fact that this man has been a shrewd man as to his money matters as a farmer managing his business so as to accumulate property and managing to get along in the ordinary affairs of life with accuracy tend in the least to diminish your belief in his insanity
Ans- It Sir not that. many ordinary uncomplicated machinery.
Int. State whether the excitement produced by derangement- in its incipient stages and before it is developed into its strongest forms is not often mis-understood by persons around them and by neighbors & friends-
Ans- It undoubtedly is.
Int. For years.
Ans- Yes Sir
Int. Would the fact that your brother being found insane and a daughter at the age of fourteen commencing to grow with exceeding rapidity and very tall - very thin and so nervous as to be unable to

see strange company and afflicted with Saint-Vitus dance. would these facts have any influence upon you in reference to your opinion. — The question was requested to be put in writing —
Suppose it to be proved that a brother of the prisoner was in same way demented and that a daughter of the prisoner at the age of fourteen or about that time became diseased growing so rapidly as to be very tall and slender at the age of sixteen and very very pale & thin for about two years intervening she has exhibited great nervousness was to be unable to see strangers, a twitching of the face and sometimes Saint-Vitus dance, would these facts have any influence on the opinion you have formed and if so, what.
Ans- The fact of the insanity of the demented brother would certainly have weight & would tend to confirm the opinion I have expressed in reference to the prisoner.
The condition of the girl would have less influence on my mind because at that age there are other causes which might intervene to explain it. The condition of brother would go to establish insanity in the family and would have decided weight.
Qus. Suppose it were proved on the trial

that at the time of the act of killing and subsequently throughout up to the time of empisonment of the party that he was utterly and totally in different to all feelings which would naturally arise in a case of the kind showing no sympathy, no feeling, no remorse and a stolid in difference, would that fact have a tendency to weaken or strengthen your opinion.

Ans. I should regard it as some addition al evidence of the weakness and in firmity of mind I have spoken of -

Cross Examination of Doct Harry King

By Mr McAllister

Qst. Who went with you the first time you went to the Jail.

Ans. Mr Dexter and Mr McComas

Qst - Doct Adkinson did not go.

Ans - No.

Qst. Who went with you next time

Cross Examination of

Doct H. S. Davis

By Mr Shea

Qst. When you were requested to go in to the Jail and examine the case were you informed that insanity would be resorted to and and set up in his case as a defence.

Ans - I understood such question was

important on the trial
Int- From them, and at that time before you saw him.
Ans. Yes Sir
Int- Were you at that time before you saw him or at any time before you concluded your examination informed he had a brother insane.
Ans- I dont think that I was. I do not recollect that his brothers insanity was alluded to.
Int- Has it ever been alluded to, to you.
Ans- My impression was - it was in the reports of the trial in the papers
Int - You have read them -
Ans - Part of them.
Int - You were never called to administer to his needs or his wants as insane
Ans- No Sir
Int. You have lived in the County thirteen years and never heard of his being insane.
Ans- I dont know that I ever heard of any such a thing.
Int. You were not called upon early in August to testify at any inquest before the County Court -
Ans- No Sir - I have been requested to testify two or three times on some case, but I have never got there.

Int. Have you ever been requested to see this brother during the pendency of this trial
Ans. No Sir.
Int. Have you ever been requested to see this girl,
Ans. No Sir,
Int. You say however if it were true, that about this could be shown to be insane it would be very strong evidence of the insanity of this man.
Ans. I did not say it would be very strong I said it would be additional evidence
Int. Would it not be strong evidence of hereditary insanity,
Ans. I think it would.
Int. If a girl living in a country place should be a little bashful when strangers are in, always mingled with the family spending her time with the neighbors when in or calls: but when strangers from abroad were there to have bashfulness to such a degree that she does not desire to go in to company of strangers would it be evidence of Insanity:
Ans. Not positively
Int. - If that girl after her mother had died - showed Mirth and be convulsed without other evidences of aberation would you consider that a strange state of things

X

Doct Robert Rae
called and examined
By Mr Dexter
Int- When do you reside
Ans- In Chicago
Int- What is your business-
Ans- Physician
Int How long have you been
Ans- Eleven years.
Int- Are You now engaged in general practice of medicine in this City
Ans- I am Sir
Int- Have you any other occupation connected with it-
Ans- I am a teacher of Medicine in Rush Medical College
Int- Is physiology of the brain and nervous system and their diseases subjects of general study and practice in your profession
Ans- They are sir
Int- Pass- yet-
Ans- Yes Sir
Int- What is the received and better opinion in your profession as to the existence of partial insanity. What is called monomania.
Ans- It is believed Sir
Int- Have you any doubt of this
Ans- I have not.

Int- What is the received and better opinion in your profession as to Dissenity being a disease of some parts of the body
Ans - It is generally regarded as being connected with the brain
Int- What is your opinion on that subject-
Ans- It is the same sir
Int- Do you know the prisoner Mr Hopps
Ans- Yes Sir
Int- When did you first see him
Ans- I believe it was last Tuesday Sir if I am not mistaken
Int- Have you examined him in Jail and if so state how many times and to what extent and length of time.
Ans- I saw him two times. one hour on Tuesday afternoon and one on Thursday afternoon. my examinations were more conversational. I made no careful examination of his physical condition. I confined myself to conversing with him and noticing the condition of his mind from that as far as I could
Int- What is the ordinary pulse of a man in ordinary health aged fifty eight to sixty
Ans- about Seventy
Int - Suppose a pulse generally to be found running from ninety to one hundred

and twenty and at other times from 108 to 120 and after a careful examination of lungs liver and heart - determined there was no organic or chronic disease to account for it - Likewise there was no acute disease. What would be the strong probability as to the cause.

Ans. I should say it belonged to the brain and nervous system

Int - Are physical peculiarities transmissable

Ans. Yes Sir I believe they are.

Int - Are there some diseases transmitted from parent to child.

Ans. - Yes Sir

Int. Is insanity one -

Ans - It is

Int - Is it so to as great an extent as any other disease, or to what extent;

Ans. - I dont know that I could intelligibly compare it with others. There are statistics but it is my settled opinion among the profession and mine that it is transmisable.

Int. Did you have conversation with the prisoner for the purpose of obtaining your opinion of his mental condition.

Ans - I did.

Int - I wish you would state it and the

manifestations of his mind which resulted
Ans - I dont know that - I can state his con-
versation much in detail for the reason it was
rather confused it was very difficult to recol-
lect - His mind shewed a great disposition
to wander.
Mr Knox -
Wanted Witness to give conversation.
Mr Dexter
Would call his attention to particular
points.
Mr McComas -
When a man is so disconnected as
that - no man could remember what the
person said in our home conversation it is
right - for the witness to state it.
Judge -
If that is the fact - it is right for him to
state it - so. but if not he will state all the
conversation.
Mr Dexter.
I intended to call his attention to some
particular portions of this subject - we are
investigating. but - it seems to me that - in
order to give it - he has a right to say what
was the conversation.
Judge -
If Counsel insists upon it he must - detail it.

By Mr Dexter

Qu- Can you detail his conversation

Ans- I would not undertake to do that at all.

Qu- Was there anything said about his imp

Ans- That was a subject of conversation. he was rather pen to talk. seemed ready to converse, and that was one of the subjects that came up and there seemed to be in his mind an anxiety to justify that and his conversation was adapted to the idea of justifying himself for what he had done and he was speaking something about a Cow and Calf, & the sum and substance was that he went some mile & two late one night in a circuitous way to find a young Calf which he shouldered and brought it home, and after he had got through with that he rinsed it up and left it and said nothing about else about it-

Mr Knox

I thought it demanded of me that I should require the ruling that he shall relate the conversation as far as he is able recollect it. If he can not recollect the whole conversation it is not denied that he shall be shut out from testifying by me. relate it verbatim. and now he has no business to

say it was incoherent rendering and unfit and lead these twelve men -
Mr Dexter.

The principle assumed is wrong and hence his whole argument - has lead to a long speech without being right.

Judge -

The witness can state as to the conversation now -

Ans - The exact order I cannot say they did not seem to have any connection with themselves with the case in point. He was speaking of difficulties which had originated between himself and wife he mentioned. he mentioned a difficulty which he had had about a horse which he had had in his employ which had died and from that originated a Lawsuit and arbitration. the difficulties grew out of that and he told me his impression was that - that was the groundwork of their dislike to him. and they undertook to have his wife seduced in order to punish him.

Dex - taking the case exhibiting such mental peculiarities as you found the prisoners case exhibits accompanied with a high rate of pulse. the absence of disease in the vital organs what conclusion would you come to as to sanity or insanity of the patient.

Ans - I should think he was insane.

Int- Would you have any doubt upon it-
Ans- No. Sir I would not.
Int- Suppose you were investigating a case of insanity, and should learn that there was insanity in some blood relations whether nearer or more distant would that have in your conclusion
Ans- Other facts being being equal it would confirm my belief-
Int- Did you make any investigation as to heredament.
Ans- Nothing more than to look
Int-. Take a family tendency to insanity and what effect would be produced by a blow upon the head.
Ans- It might tend to excite it.
Cross Examination of
Doct Robert Rae
By Mr Knox
Int-. You have related all conversations as far as you can remember
Ans- all that came up to my mind immediately. If I were to study over I might perhaps think of more.
Int-. What else did you say besides what I have done.
Ans- I spoke of a horse,
Int- Will outside of a horse and a Calf. I want to know whether that man acted like

a fool or like a lunatic, or a rational man.
Who introduced you there.
Ans. Mr Dexter and Mr McComas
Int. Was any one else there.
Ans. Doctor Allen
Int. Were you introduced as Doct-Rae
Ans- I was Sir
Int- Your particular object was to form an opinion of his state of mind from conversing with him
Ans. Yes Sir - I did not make any examination except of his pulse.
Int. Was Mr McComas there
Ans. Yes Sir
Int. Did you hear him converse any
Ans. Yes Sir - I think he talked with him occasionally, the conversation was not confined entirely to myself, carried on by Mr McComas and myself. I think he did more to me than to the others.
Int. Can you not remember something more
Ans. - I might - if I stopped to consider but it was all that - Kind of Character.
Int- How did you introduce the subject of his trip to him.
Ans - I dont recollect how it came up It was not introduced abruptly, but probably asked him how he fell - and I think he refused

to sleeping saying he slept better there when he first came to Jail. he spoke of the sleeplessness which he suffered at the first. from that it went on to other subjects.

Int. When did the wife come in.

Ans. I cannot remember exactly.

Int. You dont remember what he said about her.

Ans. Yes Sir – He said that she was one of the best women in the world. and that he loved her very dearly. thought as much of her as ever a man did yet women. before she fell into those bad habits.

Int. Why did you not tell that before.

Ans. Because I did not think of it.

Int. Well what else.

Ans. He referred to her industrious habits and taking care about the house and was faithful as far as domestic duties were concerned.

Int. When did the Calf come in

Ans. Well Sir. I dont know it came into the House on his shoulders.

Int. Why is it that when you say your object was to learn from conversation what his state of mind was. and you first began tenderly enquired of him in reference to his wife that you could not before remember

any of those you have now related but did recollect about the Calf and Horse. Why did you so unnecessarily hold on to this Calf story and suffer all about the woman to leave your memory.
Ans. Because it seemed so singular that part of the conversation which would convict me especially on his part.
Int. - Did you go there to glean up these things.
Ans. No Sir.
By Mr McComas.
Int. - Were you with Doctor McFarland there
Ans - No Sir - I was there on Thursday last.
Int. Was either Attorney there
Ans. No. Sir
Direct Examination Resumed
By Mr McComas.
Int. Were you with Doct McFarland there
Ans No Sir - I was there on Thursday last -
Int. - Was there either Attorney there.
Ans. - No Sir.

Doctor Milton Parker

Examined by

Mr McComas.

Int. When do you reside

Ans- In Chicago

Int- What is your profession

Ans. Medicine

Int- Are you a regular graduate Physician

Ans. I am.

Int- How long have you practised

ans- about twenty years

Int- Have you had occasion during that time to study and investigate the subject of insanity and mental diseases and have you had any observation within your own knowledge.

Ans- I have.

Int- Have you ever seen the prisoner at the Bar

Ans- I have.

Int- Did you examine him with a view to ascertain the State of his mind.

Ans- I did

Int- Did you converse with him as well as make physical examination of him.

Ans- Yes Sir

Int- When was it

Ans- I don't recollect some four or five days ago

Int- Before the commencement of this trial.

Ans- Yes Sir
Int Had you been requested to examine him much earlier than that-
Ans.- Yes Sir I had
Int Did you make both a physical examination of symptoms and examination of his brain also communicate him to ascertain about his mental powers.
Ans I did
Int- Did you satisfy yourself upon it
Ans- I did.
Int- What was your conclusion about the brain
Ans- That it was diseased
Int Upon the manifestations of the mind
Ans- It produced morbid manifestations
Int- Do you regard him as sane or insane
Ans- As insane.
Int- Have you had any case within your knowledge in person affected with monomania going round-date.
Ans- I have.
Int- State whether it is possible for persons to see the existence of that disease until the patient chooses to act upon his delusions before them.
Ans- It is not Sir - He may appear perfectly sane.
Int. Not show it usually.

Ans- Yr Sir
Int - Is there any doubt upon the case you upon
Ans- None at all
Int- State whether when Company come he is
capable of throwing off all symptoms of insanity
Ans- Yes Sir He can do it-
Int - Upon what subject can he talk
Ans- Upon any literary subject or any subject
whatever.
Int - Upon any professional subject-
Ans- Yes Sir Properly and accurately & logically
Int- Have you any instances in your mind
in which the party exhibited himself in the
presence of company and he would be under
restraint-
Ans- I have seen him frequently some times
the day and in several nights - perhaps change
in an hour from decided manifestations
of sanity to decided manifestations of -
insanity.
Int- Have you seen him in presence of Company
demean himself with great propriety and
elegance, and the change took place very
soon after.
Ans- I have
Int- Have you known him undergo exami-
nation of any particular friend to ascertain
whether he was insane or not - and baffle

their observations for days together.
Ans- I have.
Int- Is insanity, the usual penalty of the morbid action of the brain.
Ans- It is.
Int Have you any doubt about the opinion you have expressed about defendant.
Ans- Not any.
Int- Is it a chronic case or the opposite
Ans- Chronic I should imagine.

Cross Examination of
Doctor Milton Parker.

By Mr McAllister
Int- How did you come to go to the jail to see the prisoner.
Ans- I was invited
Int- By whom
Ans- Mr McComas
Int- Who sent word to you
Ans- No other person but myself.
Int- Did he suggest what you should go for
Ans- He said he wished me to go and examine him mentally and physically.
Int- He suggested that the question of insanity was involved?
Ans- I don't know whether he did or not. What he said was - I want you to go over -

then and examine him.
Int- Did you not understand before you went that the subject-inquiry was as to the sanity of Hopps-
Ans- Yes Sir I did
Int- From what part of the examination you gave him did you find the conclusion that he was deranged,
Ans- He believed in the reality of certain facts and adduced no proofs nor any thing that had any kind of relation to it.
Int. Who talked with him at the time he went on
Ans- I talked to him myself chiefly
Int. Was Counsel present-
Ans- He was-
Int- Did he talk much about his wife in your presence.
Ans- He did
Int. Was that his principal topic
Ans- He gave a detailed history of his former life.
Int- At your request-
Ans- I might have asked him a few questions not many.
Int- Did he seemed inclined to talk about these.
Ans- He did.
Int- And you formed your opinion from

there as to the aberation of the opps mind.
Ans. Not from that exclusively
Int. Could you see from his physical appearance what was the state of his mind.
Ans. No Sir.
Int. What beside
Ans. What he said.
Int. I wish to know whether a man might not have all of the physical symptoms manifest and not necessarily have aberation of mind.
Ans. He might have many of them I would not like to say he could have the whole combination together. I think he could not without having aberation of mind, but I would not consider that conclusive of the fact itself.
Int. Did you not say that you could not determine from these symptoms.
Ans. I would not like to denie a conclusion from physical symptoms alone.
Int. If these symptoms indicate aberation of mind?
Ans. Must of these symptoms might occur from other causes so that you could not state from these symptoms alone. I would not like to do so.
Int. The quick pulse, the affection of the head

the vacant stare. he had all the ordinary symptoms that almost always attend cases of chronic irritation of the brain.
Ans- I dont know but that it would be a bare possibility, for a man to have these symptoms and not have disease of the brain but still they generally attend insanity
Int- could you tell from these without hearing him speak a word.
Ans- I should say the brain was affected
Int-. The brain might be affected without these appearances?
Ans- I think the external portions. the convolutions of the brain are affected as distinguished from the centre of the brain.
Int-. You locate it in the external portions.
Ans- Yes Sir I do because his mind was affected at the same time, and these are the organs of the mind.
Int- If these convolutions were affected would he not be generally insane.
Ans- No Sir - If only one was Effected
Int- Do you suppose one or more was effected?
Ans- I suppose that only one was Effected.
Int-. What was it-
Ans.- I cannot state which. the brain is supposed to be a Congeries or organs having

its distinct object and distinct functions and this is one of them affected, and therefore a manifestation of that organ was a diseased manifestation.

Int. You think one was affected you can not say which.

Ans. I could not locate it.

Int. Might it not be the central portion of the brain.

Ans. No Sir - the central portion is supposed to preside over the nervous system.

Int. Did you or not hear your Emotional centre,

Ans. Yes Sir I have - you ask me what organ would be affected if he were - -

Int. - You say now his disease was located in the convolutions of the brain, the surface.

Ans. These were the parts which made these manifestations

Int. Can you tell from his mere physical symptoms without his saying any thing that he was laboring under any aberation of mind did you not say that it was what he said that determined you as to aberation of mind.

Ans. It was taken in connection with other symptoms.

Int. Would they have enabled you to decide without conversation.

Ans- I dont think that that combination of symptoms could exist without sufficient amount of disease in the brain to affect his mind
Int- Why could they not
Ans- The reason they could not is because there is an irritated state of the brain and the Carotied artery. — — His pulse at the wrist was quick and feble and at the Carotied arteries it was much stronger and nothing but inflamation of the brain could produce those results, because the mental manifestations were also affected I concluded the disease was there because the functions were diseased, but state carried on the vital functions. the mind was affected at the same time, and the vital functions not affected, you would conclude it was in the extreme functions of the brain.
Int- Do you mean the pulse would be strong in one part and quick in another because of the disease
Ans- No I do not I meen the relative strength was not as much as it was in the case of health.
Int- Was Doctor Allen with you.
Ans- No Sir. Nobody but Mr McComas & I.
Int- Did he talk with the prisoner.
Ans- He did some.

Int. You say you have had your attention called to some persons afflicted with insanity. Was that a supposed case.
Ans. It was an actual case
Int. Was it a case of confirmed insanity
Ans It was a case of confirmed Monomania
Int – Did you suggest to Mr. McComas you had some acquaintances with a case of insanity before you went there.
Ans – I dont think I did
Int. How long did you stay.
Ans – I think two hours.
Int – You do not hold to the idea that the mind is totally impaired.
Ans – I hold that it can not make any manifestations independent of the brain.
Int – How can it exist –
Ans – It can have a separate existence without making any manifestations. The brain is the instrument to its expression. It only shows itself through it.
Int – You hold that it is a totality
Ans – I hold that they are inseperably united whilst here.
Int – I am speaking of the mind whether it is a totality. Whether you accept that doctrine.
Ans – I suppose it is. but it cannot make

its manifestations as exist through the brain
Int. In speaking of convolutions of the brain
you are acknowledging the phrenological
doctrine of physiology.
Ans. It is the doctrine that is accepted by the
whole profession.
Int. Is there any difficulty in locating these
different portions of the brain.
Ans - It is said so. I don't know whether
they can or not. The mind in its manifes-
-tations must subject itself to physical
laws, and when those conditions are dis-
-eased it follows as a matter of course there
is a disease of the mind.
Int. Have you not known cases where a
man has had his skull broken and live
on with his mind as sound as ever
Ans. I have.
Int. Did you know the defendant before
you went there
Ans. No Sir I mean went there.
Int. - You came to the conclusion from
what you saw there and heard, and his
talking upon one subject.
Ans. Yes Sir
Int. - How do you designate it.
Ans Monomania.
Int. - Did you make up that from

making him talk?
Ans. Yes Sir.

Direct-Examination Resumed

By Mr McComas.

Int. I understand you to say your conclusions from the manifestations you had in conversing with him, may that condition of disease in these organs, the effect which produced these manifestations originate from the central portion of the brain becoming affected.

Ans. Very likely it would be felt by the other parts of the brain it would depend upon the amount of injury received, they may become sympathetically affected

Int. Is it not the tendency of disease to spread

Ans. It is

Int. Did I understand that you could say that when it originates from any physiological examination you made.

what particular part,

Ans. I don't — that I could come to any such conclusion from any physiological examination.

By Mr Dexter

Int. You were asked if you had not known cases in which when a fracture

of the skull the person would be possessed of reason. Can there not be other cases where the faculty of memory is impaired.
Ans- It is in this case. where the disease is confined to where the injury is received
By Mr Short
Int- Is not it your belief that if one part of the brain be affected, it would affect the whole brain more or less.
Ans- I believe it would
By Mr Decker
Int- might not that injury be so slight as not to be manifested in a deranged way.
Ans:- Yes Sir.

X Andrew McFarland Called & examined
By Mr McComas
Int- Where do you live
Ans- I live at Jacksonville
Int- What is your occupation
Ans- I am a Physician
Int- How long have you been
Ans- about 25 years
Int- When have you lived prior to coming to Illinois,
Ans- I in the State of New Hampshire
Int- What is your occupation
Ans- I am Superintendent and Physician in Chief of the State Hospital for the insane

Int- Does that now constitute the sole business of your life.
Ans- It does
Int- Have you seen the prisoner at the bar prior to this time.
Ans- I had 2 interviews with him on Wednesday of last week
Int- At what time of the day.
Ans- The first time in the morning about ten o'clock which lasted till somewhat past noon, and I saw him again in the afternoon of the same day. Perhaps from 3 to 4 O. Clock.
Int- Who were with you on the first occasion
Ans- I was accompanied by Mr McConnas of Counsel, for the defence
Int- Under what circumstances did I go with you.
Ans- My first proposition was to visit the prisoner alone that being my choice so that I might obtain his confidence of mind with no bias received from persons then present - It was suggested to me from some circumstances on the previous mind that I might not be best able in that way to arrive at what I wished. The suggestion was made by some gentleman with whom I was in Consultation.

It was stated that the prisoner had a jealousy and suspicion of persons who came to make inquiries from him & with whom he was not acquainted.

Int- When you went with me was there any objection finally by yourself-

Ans- There was not-

Int- Was it not at your own suggestion that I went with you at last-

Ans- Yes Sir

Int- Did you go in your own name and as a Physician at your first interview

Ans- I was introduced as a casual acquaintance of the gentleman who went with me.

Int- At whose suggestion

Ans- At mine

Int- When were you when you made that suggestion

Ans- Just before entering the Jail I suggested that I should be introduced as Mr Barnes. It so happened that the prisoner has a somewhat near friend under my charge at Jacksonville. I wished therefore to be sure that I should not be identified by him.

Int- Was you introduced in accordance with your own request as a Chance Companion

as you have stated.
Ans- In all respects I was.
Int-. Who introduced you
Ans- Mr. McComas.
Int-. Relate your interview and your examinations if any were made physiologically and mentally with all you deem necessary to the formation your opinion you may have formed.
Ans- I dislike to burden the jury with the great weight-ya professional and technical account-y my interviews with the prisoner. It is my desire to strip the case yas much that might not be fully understood by the jury as I can and I will only state as far as my ability allows me these simple matters yfact and observations unencumbered yany technology or the use yany terms that might not be understood by men yordinary intelligence I made no special examination yfthe prisoners bodily condition that having been done fully by other gentlemen and fully enough stated in the evidence to assure any person without repetition of mine. My attention was principle directed to those matters yobservations which are found in the out-ward appearance yany

man suspected of mental disease.
It is well known that a mental disease imprints upon a man, upon his outward appearance certain signs which are always necessary to a good understanding of common cases of insanity and their omission would be a radical omission in properly describing any case. Therefore without any design to trespass upon the patience of the Jury. I will go through the appearance of the prisoner. In the first place as to temperament. The prisoner is a man of what would be called a mixed temperament - nervous and bilious in which the nervous predominates. The matter of temperament is important in studying a case of insanity because we well know it is a disease which chooses certain temperaments as its favorite bed. it makes its nest so to speak in certain temperaments rather than in others, especially when it is supposed that insanity is a matter of inheritance. I found him to be a mixture of the nervous & bilious, perhaps at any rate the nervous is predominant in his constitution both mentally and physically. The nervous temperament is in all civilized societies the ruling temperament, particularly

in this country when men perform their duties in the high pressure principle which tends to develope the nervous temperament. In the American people the nervous temperament is the predominating one. when it gets into the blood, it is the most difficult to breed out. it will continually appear and re-appear. A person of nervous temperament marrying in to another family of perhaps a bilious temperament it is my own found that that temperament is the mental characteristic of the family and it is difficult to breed it out as it is to breed out certain characteristics in animals. Those who breed swine will find out that a litter of swine bred from white parents will sometimes have black spots thus showing their derivation from the Berkshire breed. My attention was next directed to the countenance which was a matter of close study with me. because that always becomes an indication of the mental condition of the man. it was a matter of curiosity to me to observe that when men but three expressions of the mans countenance. it was impressive to what he was saying The full expression is that of blank stolidity

immobility, total want of expression and when conducting the narration of his case to me, whatever might be the varying incidents of his narration that expression of the countenance was the same, changed only in this particular that sometimes when he had reached what he thought was a profound conviction of the fact to which he expected me to assent he turned to me a countenance impossible to be described but expressive of his own profound conviction of the truth of what he was saying and requiring me to have the same. His laugh is peculiar he has but one smile, one laugh - you could hardly call it an idiotic laugh because there is too much intelligence in his countenance, to bear that. It is hardly a silly laugh though that comes nearest to the truth. It is what Physicians would but misunderstand by calling it a fatuous laugh (I believe that is a legitimate english word) that is the laugh of a man whose mind has lost some of its natural force. With regard to his eyes though we are in a room with a tolerable strong light the pupil of his eye (that is the black spot which enlarges and contracts with the admission and exclusion of light) is immovable it does not change

with the action of light - Let in a large quantity of light - as shut it out - and the pupil is unaffected. I believe his eye has passed entirely out of the dominion of his intellect. I believe it only responds to the play of his passions. I thought - in narrating some portions of his story I could discover something in his eye which as early as the stand here described as "fiendish" It is caused by the lid of the eye being drawn back over the globe and showing the white of the eye all round. The pupil in giving his narrative showed me his eye in that way. It is an appearance which is under the influence of the passions and not of the intellect.

I do not know that there are any other facts in regard to my examination. I felt his pulse and the temperature of the body but there are matters of great importance.

Qu - Be kind enough to state whether you examined him as to his capacity for reasoning, and the character of his mind by mental examinations and state what struck you in that.

Ans - In a great range of mental operations the prisoners mind shows but small departure from the natural condition. I should imagine that upon those matters of common

concern with him upon all matters pertaining business upon our general subjects the operations of the mind are clear & very little disturbed when his mind is put upon a certain course of observation, description, narration. it labors and sinks with dificulty upon those particular trains of thought upon which his mind acts as the department says in a diseased manner. the action of the mind is labored it is observed that although he is intensely interested in giving you his narrative, although he wishes you to have the whole of it — it is difficult for his mind to act continuously in that track, and get on another subject is really an operation to gain relief to his mind, as for instance if you had been driving longer a hard uneven road you turn into the fields to get on a softer track. It was discerned obvious that his mind was dissociative, episodical, and for instance when he narrated the onion story it was a relief to his mind, to get it off the general subject of his statement, what his habits are in the measuring of potatoes he gave as though it were a relief to his mind, to be relieved from the special subject which he is narrating, or being introduced to him & in mind with an effected conception. whether

* what a misery called an episodical working of his mind & a tendency to fly the track

this gentleman coned be a prisoner. Mr McComas informed me he was. I professed to be astonished at such a thing as that, and the prisoner found himself under the necessity of telling me how it was - and my great apparent interest in the story, my wonder at the details of it, kept him pretty well confined to the subject except this digression running from the track which has been narrated, behind on the history of his life which has been detailed to the jury many times. He commenced by telling me a most unfortunate affair in regard to a horse some 10 or 12 years ago. That he had buried a mans horse and it proved diseased while in his hands, it died, and it died by a decision produced by the labor it was doing, and an arbitration required him to pay half the value of the Horse that the parties named as arbitrators (Wilkins & Cassell) had up to that time been his unquestioned friends But their decision in the matter of that arbitration, the position they took convinced him they were then his enemies and that strangers heretofore had deep designs upon him Their first instrumentality was to injure him by the brotherhood of Free Masons. He did not believe that they themselves intended to

in him, but that they intended to put up others of his account to do the act which they meditated, and that they thought of having his wife seduced and prostituted by the assistance of one Peter Schenck as their agent in the transaction.

He was convinced of his wife's infidelity by her not shewing that sympathy with him which she should have done and the result of the thing led him to believe she was unfaithful to his marriage bed.

The matter of the Horse was the first thing I think which he introduced in proof of his wife's infidelity.

When I inquired if he had taken any steps to discover the actual fact of his wife's infidelity their mutual reasons he said in the first place he abhorred any spying ears dropping underhanded measures to get at the fact. Another was that it would hurt the feelings of some persons who were innocent. I think he mentioned Mrs Wilkins that he did not wish to hurt her feelings.

Another was the matter of the Wilkins toast an obscene toast given by Wilkins on the birth of one of his Children. His conviction from the toast was that Wilkins would not have

given that least if he had not been possessed of facts in regard to the marriage bed. which he could only have known through Skenk. that Skenk ascertained certain things with regard to Hopps and Filkins taunted them out in that way as an insult; and Filkins could have obtained no knowledge of the matter in any other way than through Skenk. that therefore it was proved that Skenk had dalliance with his wife. another ground of proof which the prisoner narration discloses is the remark of Filkins when the prisoner was bringing out the wife into town "these women are very comfortable creatures" I think was Filkins remark. and he takes that as another proof of the infidelity of Mrs Hopps because there was a second matter conveyed. that Filkins intended to insinuate something with regard to Hopps wife

Qu. How did the reasons as assigned by him impress you.

Ans - They impressed me as the creations of the prisoners imagination entirely. The prisoner also adduced other facts as going to show from the infidelity of his wife. One was the opinion story upon which the prisoner placed great stress; that Skenk was to

have some onions, and he called & ascertained whether he could have them when Hopps was absent, and Mrs Hopps showed him the onions Shenk called for the onions when Hopps was at home. Hopps measured the onions out to him in liberal measure. Some months afterwards when Shenk called at the house Hopps said "I thought then I would give him a home thrust" so he said to him - "Shenk this is the little onion boy" and then said Hopps I noticed on his countenance, that he confessed his guilt - and then Mrs Hopps came right out of the house and I knew she came out to close Shenks mouth so that he should say nothing. Upon my inquiry whether he thought that really proved Mrs Hopps guilt, whether he thought that was sufficient - "Well he thought it was as much as spoke volumes."

That took he gave him when he introduced the child, his youngest boy was as good as though he spoke volumes on the subject.

In describing the outward appearance of the prisoner I omitted one statement which is suggested to me by the last answer which Hopps made - It is in regard to the voice of Hopps when telling his story

His voice like his countenance never changes however great the interest of his story

The tone of his voice is the same throughout except when he has reached one of the conclusions mentioned just now. When he is speaking of anything clearly showing the guilt of his wife his voice drops into a sort of pitiable monotone. It would be impossible to imitate it. Except when he drops his voice into that pitying sort of tone which succeeds any conclusion he arrives at in relation to his wife's guilt it is the same all through.

In the various passages of his narrative from time to time he introduces the observation "that his wife is going from bad to worse" which proves as they carry themselves in his mind into reference to that: it seems that each proof has still greater force in his mind I think the last instance of his wife's infidelity was in relation to a german who worked at his house I think assisting in making cheese though I will not exactly charge my mind into the particulars such he was doing.

He was also used as an instrument in accomplishing the infidelity of Mrs Hopps he also had commerce with her, and he drew the same conclusion from that.

The idea conveyed to my mind was that the cellar was used as the place of commerce

with him and Mrs Hopps.
I think when he had stated that to me, he made a last concluding remark in the same tone I have spoken of, "and indeed with almost everybody" as though the infidelity had become indiscriminate and embraced every person who would take the opportunity This narrative extending over two hours in the morning and some portions yet repeated in the afternoon with addition to the first constitute all that I can distinctly charge my mind with.
Int. State whether there was any difference in his manner in the forenoon and in the afternoon that would be more favorable to this case, in my presence or in my absence.
Ans- I do not think I noticed any difference
Int- Have you formed any idea as to the mental status and condition of the mans mind from the examination you made; if so state it.
Ans- The whole "kernel" of the case may be embraced in the single idea "Insane delusion" using no technicality in reference to that. I may be allowed to state my idea of what insane delusion is, and what it is not. An insane delusion is a belief in the reality of things or circumstances

or transactions which can have no existence
according to any probable experience of this country
whose existence would be a violation of universal
experience. I may state here that all
definitions in regard to insanity and the
manifestations of insanity must in the
nature of the case, somewhat indistinct and
imperfect because we do not understand
the subject fully.
We can only make such a definition as
language will permit us to bring in
accordance with our ideas of it.
Ans. The idea you convey in one sense of
the remark is this, that nothing could be
a delusion that could exist in fact in
nature for instance, if I believed falsely
and without evidence that my father was
sucking my life and believed this without
reasoning at all it might be contended
that that was a delusion,
Ans. The fallacy in the definition is this
(all definitions of insanity) for instance I
can illustrate the fallacy that must exist
in a delusion in this manner.
Now suppose in the year 1800, Robert Fulton had said that
he would make a boat that would go up
the Hudson River without oars or sail,
that would have been called a delusion.

and yet it afterwards proved to be a fact that he did so. It was accord as a delusion because it was in contradiction of all experience yet it was not delusion, because it afterwards proved to be a fact. So also this delusion which I have mentioned may be a delusion of that kind. A delusion may afterwards prove an absolute fact - matter of fact - and still a delusion in the man.

By the Judge

Int: Can a person be under a delusion as to a fact.

Ans. - He may be. A man might have been before the time of Robert Fulton, said he could make a steamboat that would go up the Hudson River without either oar sail or paddles he might be deluded it might in him be an insane delusion. If Fulton had stated it, afterwards it became a fact. In one case it was a consequence of disease in the mind of the man, in the other it shows the mind of the man who is in advance of his time.

Int. Would you call a fixed idea or belief that had in fact no existence and of which there was no evidence that would influence a rational man to its belief and which irremovable by any rational considerations would that be a delusion whatever the cast -

of the facts.
Ans That would be a delusion. I understand the general scope of the inquiry to be whether a man believing in an array of circumstances which are contrary to universal experience and belief contrary to common sense entirely and impossible. The result of a fixed belief which is irremovable by any argumentation or removable by reason, that would be a probable delusion.
Int- I want you to explain again. You use language which I think is liable to be misunderstood by the jury. You say if he believes in a fact which is contrary to all experience" Do you believe the prisoner was laboring under any delusion with regard to any facts at all.
Ans- I believe he was.
Int- Are those facts in possible in nature Can a woman be false to her husband.
Ans- Those facts could exist-
Int- Do you remember something that occurred at the Sherman House, or was it mentioned to you by the prisoner about some Masonic ceremonies having been performed there?
Ans- She gave me an account of that-
Int- Do you believe from the statements

that men made that that was a delusion or hallucination.

Objection by Mr McAllister

The Witness ought to detail the facts -

Judge Let him do so.

Ans - He was sleeping one night in the Sherman House and during the night he heard some persons in an adjoining room going through the ceremonies of the Masonic fraternity of which he was a member and which he understood. that he from certain forms gone through with by those in the next room heard the beating of the triangle heard I think some particular sentences gone through with I think he said the Burial Service. but he qualified that by saying there must be some mistake in it - because he heard a woman's voice, and a woman could never get in to a Masonic Lodge. he thought there must have been something which deceived him in regard to that.

Int. Did he state that he had believed that at the time.

Ans - Yes.

Objection — Sustained

Int - State whether he said that he acted upon it or not.

Ans- He went home and put himself and
home on guard against the attacks of the
Masons which he believed were about to be
made upon him.
Int- I wish to know whether from the whole
statement you are satisfied that was a
delusion.
Ans I am.
Int. Is that what you mean by a delusion
Ans- Yes Sir
Int- Isn't it impossible in the course of nature
that the Masons could do such a thing as that,
haven't it probable,
Ans- I suppose it is possible:
Int. There is nothing in the physical laws
of nature to prevent such a theory
Ans- As it is possible to happen.
Int. From the examination you had
made did you regard him as sane or
insane.
Ans- I regarded him as insane.
Int- Did you regard the indications as
those of a Chronic character, or those of
recent occurrence judging from your
knowledge of the insane.
Ans- I should suppose it to be a Chronic
case a case of long standing. In order
to make myself clear on the nature and

force your insane delusion a matter upon which there seems to be a great mis apprehension on the part of those who have not studied it - An insane delusion has a far greater force, a far greater comparative force upon the mind of a person than a rational conviction of fact - To say that it has far greater force, fully & proves the proof - it had almost an infinitely greater force in governing the actions of man than has a rational Conviction. Now to illustrate the power of an insane delusion by a case, Wm French Hayle confined in an Asylum at Jacksonville had the insane delusion that the Sheriff of the County in which he lived was going to hang him.
He had never committed an offence in his life and had been in the Asylum 2 years. he was confined in a room in the 4th story of the building - the mind - was secured by an iron guard. believed to be as strong as to resist the strength of any man. If he threw himself from there - under the chances were 100 to 1 that he would kill himself by falling on a brick pavement below - Yet in this belief he rushed to the windows to pass it - the iron grates and jumped from the windows willing to

risk the chances of 100 to 1. of instant death sooner than be hanged by the Sheriff. Of course he was killed by the fall. A man who is under the influence of an insane delusion if he should deem it needful to put his hand in the fire to accomplish the salvation of his soul would have no hesitation in doing it — This is the power of insane delusion It has a far greater force than a rational conviction reasoned out from facts.
Insane delusions are as various as the imagination of man can conceive or suggest and there is no possible combination of circumstances or things out of which an insane man will not fashion a delusion Therefore those who treat the insane are never surprised by any delusion which they may take up. There are hardly any two insane delusions just alike. for instance we will suppose that 12 apples had had 2 brothers and that all three of the men were insane from the tendencies of the mental constitution. Say they were insane in the same way, the same kind of insanity. in all probability all three would have a different delusion. they most certainly would, each have a different kind of delusion with the same degree of insanity.

One fr insteuce might have a delusion that he owned the Bank of England, the other that he was an apostle set apart to convert the world while William Hopps would entertain the delusion that his wife was a prostitute. Now one is just as natural as the other, no more strange than the other. They differ, we cannot tell why but they are each precisely the same degree insanely. The one who thinks he owns the Bank of England will do nothing more than squander all the property he is in possession of thinking there is enough more to come. The other will do nothing more than to stand at street corners and preach while William Hopps' delusion works itself out in the tragedy we have witnessed. One delusion is no more strange than the other - it is no more strange that William Hopps should kill his wife than that his brother should preach at street corners in pursuance of his delusion. The conclusions have the same legitimacy.

Int. I now wish to ask you whether you know persons, any number of them in the Asylum of which you are the principal, whom you regard and daily treat as insane and who are put in for insanity, whom you regard as less insane than William Hopps.

Objection Sustained

Ques. Describe the prisoners condition & if necessary for illustration refer to your own observations.

Ans. The prisoner is a remarkable instance of a clear unmixed delusion. It is rare to see an insane person whose delusion is so deep seeming completely through the believes of the mind and yet so narrow. The delusion is palpably unmistakeably according to all appearances. yet it leaves the board believes of the mind quite clear. I think that a number of insane persons who would be found in an ordinary Insane Hospital with the same general clearness of mind would not be many. I mean general clearness on ordinary subjects; but yet the depth of the delusion is greater than that you find in part of those in asylums. The person whose case I introduced and who killed himself was a man of precisely the same case of mind as William Hopps.

This Intelligence —

Objection by Mr McAllister
Lengthy discussion
over-ruled

X

Andrew McFarlane Cross Examined
By McAllister
Int- What is the nature of your business
Ans- The Care of the Insane has been my Occupation business between 16 & 17 years. In addition to insanity the insane have their physical diseases which it becomes necessary to treat in Hospitals.
Int. Who has communicated with you in reference to coming here to examine the defendant.
Ans - My first communication was received in a letter addressed to me by Dr Allen -
Int. When was that
Ans. I received two. The last was received on Saturday night the week before last - I reached here on Tuesday night.
Int - Did you receive any from any other person.
Ans - I did not.
Int - Did he meet you when you came.
Ans - He did not - I went to search him out.
Int - Did you come here because you were subpoenaed or under voluntary engagement
Ans - Under voluntary engagement.
I may name, the first letter I received was written on 2 sides of a sheet of Note paper

and contained an outline of the case and of the facts which seemed to appear in portent
It is usual among professional men that attendance shall be called to moment- Cases of considerable moment- and it was due to me that some idea of the importance of the case should be communicated to me in order to induce me to leave my regular duties,
Int- Have you got that letter with you -
Ans- I have not - I regret that I have not-
Int- Was there any arrangement - for compensating you,
Ans- The first letter asked me what would be the probable expense going attendance,
I estimated as near as I could what would be the disbursements upon ordinary case. I think that - I said about $50 would be remuneration for the expense incurred in travelling and Hotel Bills. my salary is paid by the people, and my time is theirs,
Int - You left your office perfectly at liberty to leave your engagement - down there at Jacksonville to spend your time in this case?
Ans - I am liable to a Subpoena. I was aware that in all probability a Subpoena would be served upon me. the first letter stated that probably my services would not be required for several weeks. the second

said that the hearing was to be on a certain specified early day and asked that I would come without further ceremony.

Int. That was when?

Ans. On Saturday the week before last.

Int. When did you come.

Ans. I reached here on Tuesday night.

Int. Was there anything said to you there by Dr Allen.

Ans. He recapitulated the subject of the letter to me

Int. Was there anything said before you went into Jail about the peculiar hearings of the case

Ans. No Sir. I decidedly misled that there should be no such thing

Int. Who was it suggested that you had better not go in alone

Ans. I think it was Mr McComas.

Int. You stated if I understood you correctly that you did not examine the physical symptoms of disease with any particularity at all

Ans. I did not with the exception of examining the circulation of the blood.

Int. When you went into the Jail and were accompanied by Mr McComas where did you see the prisoner.

Ans. He was walking in the main hall of the Jail. Mr McComas called for him to follow him and he followed him into a large room

up stairs
Int- Did Mr McComas stay while you examined him.
Ans- He stayed in the Room during the entire interview.
Int- Was he near you.
Ans- He was not, he was in the early part but after I got him fairly under way he withdrew
Int- Did you get him under way before he withdrew.
Ans- He was in the Room
Int- Was he present near the person like you got him under way.
Ans- He was.
Int- Could you have formed any conclusion satisfactory to yourself as to the sanity or insanity of the defendant without conversation from his mere physical appearance.
Ans- I should not have relied upon that alone.
Int- Could you have arrived at a conclusion satisfactory to yourself as to the sanity or insanity of the defendant without hearing him talk at all.
Ans- I could not-
Int- I understand you to say that it was you yourself who suggested that you be introduced as Mr Brown, that was after it was agreed that

Mr McConnes showed go in with you.
Ans- It was when I was near the Jail. I suggested it for the reasons I have given.
Int- About what time of the day was your visit-
Ans- It was about two O'clock in the morning
Int- Was the defendant dressed as he now is.
Ans- He had no outer Coat on, he was in his shirt-sleeves.
Int- Did he shake hands with you.
Ans- I think he did not, I think there was no shaking hands.
Int- Did he commence talking with you or did you address him
Ans- I first addressed him in interrupting a conversation going on between him and Mr McConnes.
Int- Then when you first went up he and Mr McConnes were talking together
Ans- The first conversation was between him and Mr McConnes.
Int- You stated that your first observation was directed to the unusual appearance of the defendant; and in reference to his temper-ament- and you said his temperament was mixed, is not every mans temperament mixed is there not a mixture in every individual.
Ans- Some men are talked to be very good

makes you certain temperament.
Int. Ask if there is not a mixture of the
2 temperaments in each individual
Ans. I should think not.
Int. Did you ever see a man who was a blend of
the nervous temperament without mixture
of the bilious or billious.
Ans. I have
Int. Does not any person have some influence
upon the temperament besides the predom-
inant one.
Ans. I presume he has.
Int. Then there is nothing peculiar in his
being a nervous temperament in as
much as the American people are generally so.
Ans. So Sir
Int. Do you not know it is a matter of fact
that in the laugh of a man there
is a difference.
Ans. There is a difference between the laugh
of intelligent men; and there is a laugh
peculiar to demented ones.
Int. Are there not a — many intelligent
men & women who have a peculiar way
of laughing.
Ans. Yes.
Int. Do you not know as a matter of fact
that there are great differences between people

as to the power of concentration of the mind
Ans. There are differences
Int- Are there not a great many intelligent men good business men who are unable to keep their minds concentrated upon a particular subject.
Ans. There are, within limits. There is a criterion standard which indicates a sound non unsound mind.
Int. As people grow older are they not more inclined to go into minute particulars - minutiae than they are in the earlier stages of life.
Ans- I believe they are. That is a peculiarity of dotage.
Int. A man who is between 58 & 60 may he not show those peculiarities.
Ans. He may
Int- and in that particular?
Ans- and in that particular
Int- Did you place any particular reliance upon their narratives about the house and the parties connected with that transaction and such other circumstances as he stated to you-
Ans- I did emphatically as evidence of his delusion.
Int- That statement of his in regard to his putting up at the Shannon House, and his

supposing the Messrs appeared there, and that he heard a triangle and all the peculiar features connected with that, is that really any thing more than a common bad dream for a man that has eaten too much or drunk too much
Ans. It seems to me there must be a distinction
Int. Have you yourself ever had a dream as vivid and distressing as that in your time of life.
Ans. I don't know that I ever did. I understand me that the — I place upon that transaction as the Sherman House gives it chief strength from what followed.
Int. If that was alone you would have placed very little reliance on it?
Ans. If he had told me that as a separate abstract event, unconnected with any events in his life, I should have paid very little attention to it.
Int. Is not a person who has a vivid imagination liable a little this person liable to have such disturbed and troubled dreams.
Ans. Yes he might in some respects; if the isolated fact of his having imagined that he heard the Messrs in the night was told to me alone I might accept it as a troubled dream, but when immediately after that he arms himself, and collects

his friends it been another significations
Int. Supposing he had for some time before that been drinking and on the verge of delirium tremens at the time he supplied himself with clubs and arms would that make any difference
Ans. Yes it might, but I do not know of having heard anything of that kind in the testimony.
Int. Will I am supposing a case, that he was in a state of delirium, under the influence of liquor would it make any difference in your estimation of the facts.
Ans. I would with this qualification. The supposition made to me is a hypothetical one and it is well understood by all who deal with mental disease that a hypothesis can establish nothing, because there are so many fallacies in a case, to be before the mind you present, that no one will trust himself to an inference, unless he can have the case before him with all the facts,
Int. I put to you a hypothetical case, Now supposing at the time he had that dream, and he went home, he was in fact just coming out of a heavy drunk upon which he had been for some time and was upon the very verge of delirium

trouers? I ask if that would make any difference to your opinion in determining the state of this mans mind.
Ans. Well it would.
Int. Supposing at the time he had this dream he had actually had a difficulty with the mason would that make any difference in estimating the operation of a delusion.
Ans. It would probably.
Int. Supposing it was true and found in the testimony in this case, and is taken to be a fact by you that he did have such a difficulty as that about the horse and that his wife did in point of fact take sides against him in that difficulty would that make any difference in determining whether this was a delusion or not.
Ans. I think it would not be cause a delusion of that magnitude following so trifling a fact, based upon such a trifling premise, would be a delusion to my mind.
Int. In the cause of malice awakened malice and jealousy may there not be a following up which would weaken the effect.
Ans. I consider it impossible that William Copps could.
Int. Because you assume he is a Lunatic?

Ans- I will answer the question. In the play of Othello when Iago brings the handkerchief (which Bianca has stolen and brought to Iago) to the purpose opening him up - it was before that the passion of jealousy was immediately carried to a point beyond the bounds of reason It was clearly the intention of Shakspeare to carry his subject beyond the bounds of reason in that great passage. The passage is when the Handkerchief is held up as a map before the eyes of Othello.

Int. You think he was insane from the characteristics there delineated.

Ans - There was a temporary flash of insanity

Int Is that your answer

Ans - There was an exhibition of the mind carried beyond the bounds of reason.

Int - You think it was insanity

Ans - I think it was - This a proper place passage for study to those interested in a subject like this.

Int - Are there not a class now a days of very learned Physicians who are carrying this subject of insanity forward with a great deal of progress and to a great extent.

Ans - Yes Sir

Int - Are there not those in that class who say that those who have strong idiosyncracies

and commit crime are insane.
Ans- Not that I know of.
Int- Are there a great many learned Physicians who believe in moral insanity
Ans- There is not a solitary instance of a man in the case of the insane who has that idea.
Int- Are there no writers who hold that opinion.
Ans- There are no writers of merit.
Int- Are you acquainted with Drs Parker & Gilman. did they not swear that Huntington was laboring under moral insanity.
Ans- True they did but their opinion has been scouted by all sensible men
Int- Are they not very eminent Physicians
Ans- They are very learned men in the line of their profession.
Int. Was their opinion to the effect that Huntington thought he knew he was doing wrong yet he could not help it.
Ans Some such fanciful opinion but it has not been generally received
Int Are you acquainted with the writings of Dr Rae.
Ans- I am
Int Do you not understand that he has

assailed the Courts of this Country on the ground that they are not far enough advanced upon this subject.

Objection Sustained

Int- Is he one of the authors you have studied

Ans- I have studied Dunlap

Int- Are his writings one of the sources of information you have resorted to in the course of qualifying yourself as a Doctor of this science

Ans- I have read his book and regard it as fair authority.

Int- Do you hold to the idea that if a person arraigned for crime, at the time of committing the act was actually laboring under an insane delusion, yet if he had knowledge of what he was doing, and that it was wrong, that he ought to be punished,

Ans. He ought to be punished. Here may explanation come in. He may have in the abstract a proper idea of the distinction between right and wrong as an abstract proposition yet he believes that the act he is perpetrating is justified in using right. Then he ought not to be punished. If he believes the act he is committing is a wrong act, an unjustifiable act I believe he ought to be punished. The distinction between right and wrong does all its pertinence in relation

to the justification which exists in his mind in regard to the particular act.
Qust. Did the defendant in this case soon after the commission of the act in question here, shewed & pass himself casually that he regretted it - that he showed grief & the mark & indeed marks that it was undone, would it be any evidence that he knew the act was wrong.
Ans. If the expression was in regard to that particular act, I should regard it as an evidence that he knew he was wrong. I have seen testimony given in regard to that fact & incident which must be received in qualification.
Qust. If at the time of putting this knife into his wife's bowels the defendant took means to secrete the knife - that any evidence that he knew the act was wrong
Ans - I do not know that it is any important evidence.
Qust. Do you think it is any evidence.
Ans - I don't think it is any material evidence either.
Qust. Do you think it is any evidence.
Ans - I do not.
By a Juror
Qust. I should like to know the opinion of

the Doctor, that at the time the murder was committed Mr Hopps went to mill that day, and his wife was washing, if that man had been clean from liquor would that man have been so apt to commit the deed as he would when under the influence of liquor.

Ans- I can only answer it by indirection If he had been simply intoxicated and nothing more the circumstances, of his wife being in that dependent condition I think would have deterred him from the commission of the crime at that time. The liquor have been determining influence in his mind but acting under a delusion I think there could have been no difference in the act- The act would have been irrespective of all places, circumstances & employments.

Int- I simply wish to know if the liquor had a direct influence in inducing the act of killing his wife.

Ans. I dont think the liquor alone induced the act at that time.

By Mr McAllister

Int- You said just now that the liquor alone did not induce him to do it.

Ans- Yes Sir.

Int- Did the liquor in any manner

contribute to his doing it-
Ans- I do not think it did
Int- Would he have done it- just- the same
when he was sober as when he was in liquor
Ans- I think he would.
Int- I did not understand what you
meant- by being deterred
Ans- I think that- there being a pre-con-
ceived justification in the persons mind
in regard to the justifiability of the act- that-
he was likely to do it- at that- time, irrespec
-tive of the influence of liquor.
Int- How do you know that at the time he did
that act- there was any preconceived justifi-
-cation in his mind.
Ans- From the testimony I have heard &
from what I know of the persons mind.
Int- Will you state what testimony you
allude to.
Ans- The expressed intentions to kill his
wife as I understand the witness.
Int- Suppose he even did that- & still when
under the influence of liquor do you think
there that liquor had any thing to do with it
do you think there that- the liquor had
nothing to do with it.
Ans- I think liquor had something to
do as a general excitent- in working up

his mind in the progress of his mental derangement was to have made the idea of killing more positive and clear to his mind
Int. Then you do think that liquor contributed indirectly to this disease.
Ans - I think that it contributed as a general accident -- Insanity, but insanity is the parent of delusion. And I presume that liquor may have reacted upon the insanity he had independent of delusion.
Int. Will you say that liquor contributed either directly or indirectly to the act
Ans - I think it did indirectly. My position is that the liquor as a general accident had the effect of acting unfavorably upon the insanity with which the prisoner mind was charged, but as a controlling influence in producing the murder just at that time. I think the liquor had but a secondary place if any at all.
Int. Suppose it was true that this party never mentioned any of these delusions and never treated his wife scarcely with harshness at any other time except when he was under the influence of liquor will you then say that liquor did not contribute to this act; I mean directly.

Ans- I do not think it did directly. It contributed secondarily in acting upon the disease on which the delusion grows. the crime proceeding from the delusion,

By a Juror

Qu- If he had been simply a temperance man, would this act have been committed.

Ans- He would have killed his wife.

This Qu. was objected to but was answered after intervals, and no further notice taken of the objection

By Mr McAllister.

Qu How do you know that he would have done it.

Ans- It is my opinion gathered from reading on the subject of insanity, the operation of delusions on the mind and my experience of similar cases.

Qu. Would he have done it. then

Ans- I am not prepared to say that-

Qu. When would he have done it-

Ans- It is impossible for me to tell.

Qu - If there had never been any excitement how do you know that his insanity would have been developed,

Ans. It is a matter of professional opinion

that it would have been developed and brought out the conclusion of homicide.
Qst – Is it your opinion that if he had never drank a drop of liquor for 10 years before that time that he would have killed his wife on the 30th June 1862.
Ans – It is impossible for me to say.
Qst – Is it your opinion
Ans – I certainly can have no opinion upon such a vague proposition.
Qst – You say that he would have killed his wife.
Ans – At some indeterminate period. The time when is certainly impossible for me to say.
Qst – Would he have done it – within the ordinary age of man.
Ans – He would, he might have done it years before he did, he might have done it years after he did
Qst. If it is true that he never appeared to be under the influence of this delusion when he was sober, how can you say that he was under the influence of such delusion at all or that he would act under its influence if sober –
Ans – I distinctly understand that he had delusions in regard to his wife?

infidelity and that he threatened to kill her. A homicidal act would be the natural conclusion of delusions of that kind and extent.

Int. If for a period of 15 years that man were manifesting and was not infact subject to any of these delusions when he was sober, how can you say he would have become subject to them after a length of time.

Ans. I can only repeat my belief that the delusion existed in dependence of liquor and would have brought on its conclusion in dependence of liquor

Int. Supposing you got your entire evidence of delusion from what he says when he is under the influence of liquor and only then, could you say that if he had continued sober he would or have manifested those things.

Ans. There is so much by potheis in the question that it gives me no opportunity for a fair answer.

A Juror The fact has been proved here that his wife had left him 3 or 4 times & that in order to get her back he had promised to do better and had signed a pledge I state this for the purpose of throwing such

light upon it
Cont'd Ans- I have previously stated that his
disease was a peculiar one, and that at
such times his appetency for liquor was
increased and it becomes difficult to say
how much it was owing to liquor and
how much to the fundamental delusion
with which his mind was possessed.
By Mr McAllister
Int- Do you undertake to say that his
appetite for liquor was entirely owing to
his insanity.
Ans- I would not say entirely
Int- Might you not be mistaken in
assuming that-
Ans- Perhaps I might-
Int- I understood you to say that this
was not your drunkenness, because he
did not show contrition, next morning.
Ans- I say so.
Int- Have you ever seen men who have
committed homicide.
Ans- I have a pretty fair knowledge of these
things, and also a somewhat large ex-
perience.
Int- Did you ever know anything of the
McNamara case.
Ans- I never did, but I think I saw

refresh your minds with something which you will all remember.
Int.- Is it true that persons who kill another under the influence of drunkenness show contrition: a man that has had a grudge against another for 10 years.
Ans. I can not understand that a man of that kind would show no contrition
Int.- Is it not true that persons who intend doing that- make themselves drunk for the purpose of nerving themselves up to commit the deed.
Ans. I am aware of that
Int. If he did it- under the influence of malice and a grudge would he show contrition necessarily.
Ans. I suppose he would if his mind was right.
Int. If the mind of any man who commits murder right.
Ans. It is right- in the view with which we regard insanity. I might be allowed to introduce my instances. One known probably to most persons present. A case of homicide after a fit of drunkenness - without malice and without grudge.
Int. But if a person should hate another and should actually desire to be rid of

that person, and showed actually committ the crime you would not expect much contrition

Ans. In a man of sane mind I should in the vast majority of cases expect contrition and remorse.

Int. Suppose the defendant in this case was a person of sound habits, and of large self esteem and fond of show & fond of exercising control over persons and over property and had acquired a great deal of property and had abused his wife so that she filed a bill of divorce for the purpose of getting his property divided amongst herself and children, and he had conceived hatred for her, and under these circumstances had taken her life would you expect that he would show a great amount of contrition, I am not talking about insanity at all, but simply of drunkenness with out insanity.

Ans - I should think he would expect contrition, I should think that a man of ordinary constitution it would appear on reflection the next morning that the deed was far more enormous and atrocious than the circumstances

justified-
Int- Suppose he had contemplated the deed for some time would you expect under those circumstances he would show contrition
Ans- If he had contemplated it- in the sense that Williams Hopps would, I should think he would not.
Int- Dear not- asking you with reference to any particular individual.
Ans. In my opinion he would have expressed contrition.
Int- Where a man has an old grudge and contemplated taking life + does take it- would he in that case express contrition.
Ans. That- hypothesis has no bearing on the case so far as I can see it.
Int- Why do you say that- it has not- any application to this case.
Ans- I see no cause for it-
Int- Is it- your proper place to acquit- the defendant.
Ans- It is my proper position to make what- ever explanations I shall deem needful to explain what- I think is the nature of the question
Int- Do you consider a man would have expressed contrition in this case.
Ans- I consider he would have expressed

contition
Ques- If he was a moral man would he have expressed it-
Ans- I think he would.
Ques- Did you not say that if he had carried cognedge for a long series of years he would have expressed contition.
Ans- I am not aware that I ever expressed it-
By the Judge
Ques- What is the difference between moral and mental insanity.
Ans- A mental insanity is when the insanity is confined entirely to the intelectual operations when it is simply a disturbed state of the process of thought and reason without any great moral perversion going with it-. Those who contend for the doctrine of moral insanity as I understand it- hold that a man may be corrupt in his moral nature. It is a doctrine abhorrent to my opinion on the subject-. It so happens that a large number of the insane have moral perversion going with it. A case of pure mental perversion is not common, it is generally with moral going with it. I dont know I ever saw a case of moral insanity alone. There seems

there seems to be some intellectual disturbance besides.

Int. How does drunkenness affect the intellect and the mental operations when a person commits an act of violence under the influence of liquor. how do you account for the effect of the liquor in producing that display of violence.

Ans. That the liquor in that case produces a general excitement of the passions above all anger and resentment and the exhibition of it will be indiscriminate he will be as likely to concein a grudge against one man as another, it is diffusive it extends to all persons alike, he resents an insult from one as quickly as from another whereas in a case of insanity the resentment is special, especially in insanity with a delusion attached to some particular person; his resentment then becomes special against that particular person. In insanity with drunkenness there are special objects of resentment while in drunkenness, without insanity there is not that fixedity which there is in drunkenness of an insane man.

Int. In respect to the effect of liquor on the mind; does it tend to produce delusion in

the subject sir.
Ans - Not as a rule unless some mental disease is to be suspected, that where a man under the influence of liquor returns any time to precisely the same train delusions, then insanity may be suspected, but where a man gets drunk and simply becomes hilarious, excited pugnacious, and upon subjects generally, that is a non legitimate effect of liquor simply of itself -
Int - Is the drunkard for the time being under the influence of delusion of any sort.
Ans - Here is - the old quick proof says that "drunkenness is a short insanity". Here is in certain limits. If he is a good man he becomes more good, more vindictive, more vindictive,
Int - That that as insanity, would you say that it is similar in nature though different in degree to what you commonly call insanity or monomania.
Ans - I should think it is,
Int - I understood you to say that a person might be laboring under a delusion, and while under that delusion may have had knowledge that the act he was doing or about to do was wrong. Do you know of any cases where the person may be so -

operated upon by an insane delusion as to commit - for instance an act like the one now in question, and yet understand the nature and moral quality of the act - which he is doing.

Ans - The position which I took in reply to a question of the same nature before was this that an insane man, may have an - accurate idea of the distinction between right and wrong as abstract questions, and upon questions foreign to those matters which are the subject - of his delusion while the delusion places his mind in the position that he regards the act as right - which is wrong?

Qust - In a way that answers it. May a person suffering under insane delusions with to acknowledge that the act - itself is wrong be under any circumstances moved by what is termed called irresistible or uncontrolable influence to do it.

Ans. Yes - a man may be moved by an irresistible impulse to do acts which his mind reasoning upon general principles would acknowledge as wrong. I have never been permitted in this examination, in regard to a persons question and regret - that - have dropped from the persons lips - or which have dropped from him in my hearing. I think I understand

Ans- He would justify the act but would know that Killing was wrong.
Int- So you would say in the case of a person man under insane delusion would you not.
Ans- Yes Sir
Int - Is this a delusion or not
Ans- In the one case the individual reasons from what he supposes to be an honest reasonable justification, in the other case the man is impelled by a recognized disease of the brain.
Int- Do you think that those who commit homicide to avenge a wrong and feel justified do it under an honest opinion. Is that your idea that a man in one case is impelled by an honest and sincere conviction.
Ans- I think it is.
Int - Would it be criminal then.
Ans- I think it would. His opinion is not the law. his convictions would not make it so.
Int - Do you not think the law implanted in mans heart teaches him otherwise.
Ans- I can understand such a case where a man think it right to take the life of another man. If a man finds another taking his place in the marriage bed he may feel justified in killing the man there.
Int - That is a case of justifiable homicide but I mean a case that is not justifiable.

Ans- I can conceive a man feeling himself justified in his act- and yet his act would be such as to subject him to the operation of the Law-
Int- Do you think that a sane person when in a rage may think it right at the time being to kill, when but for his rage, he would not think it right:
Ans- An act of homicide committed in a state of rage admits of no reasoning. there is no reasoning it is not subject to the operations of reason.
Int- Might a party not be in a state of passion such as would induce him to commit homicide, yet be capable of thinking whether it was right or wrong.
Ans Yes sir,
Int- Is it not the passion itself that induces him to think it right.
Ans- It is the passion, but the passion for the moment; it is not a reasoning justification
Int- He would then be criminal although he thought it was right.
Ans- He would.
Int So that the distinction you make between the man who justifies the act by his delusion and the case in which a man acts in avenging a wrong, is that in one case it is a delusion, in the other it is avenging a wrong

believing he has justification
Ans. Yes Sir, but there is a difference in the justification, not in the primary state justification.

Examination of Dr Mc Farland resumed
By Mr McComas.

Int. Give any regrets which Hopps made and state what they were, and what you understood them to be. What they were and what he meant by his regrets.

Ans- As I understand they were the general regrets that governed the whole transaction from first to last, regrets at the wife's infidelity at the circumstances in which his family were placed in consequence of the act, regrets that it had to be done, and the idea of justification going along with it.

Int. States what was said upon the point-

Ans. He had not made very many distinct expressions upon the subject- when I remarked to him that probably Mrs Hopps I supposed was a very amiable, excellent woman.
I think it was a suggestion from me. I recollect he checked me there, or rather persisted a qualifying remark, that she was a very useful woman, necessary to a family not allowing me to cavil on the legitimate idea implied in amiable, excellent

moment, and then he said it was a great pity it ever happened. When I called his attention to that he said it was a great pity that she ever went back, that was my understanding of the nature of his remarks.

By Mr Dexter

Int. Something has been said to you probably of contrition after commission of murder an enemy when an old grudge has existed. might not contrition be absent in that case and yet follow upon the murder of the wife for whom the party had cherished a high degree of affection.

Ans. I should think there would be a difference

Int. You saying as to whether the pulse of person would be an indication, you said it might not. I desire you to say whether it would if taken alone.

Ans. I thought it was.

Int. You were asked the effect of a dream if a man might not dream certain things occurred at the Sherman House, and next night in a fit of drunken rage, the same things occurred, might it not be that dream take that case, and take it to yourself and years after employing him an attorney to protect him from that. what would you consider it?

Ans. I should consider it an insane delusion.
Int- That Huntington case you considered wrong.
Ans. I do Sir
Int- Are your opinions based upon it-
Ans. Not at all.
Int. Was Parker & Gilmen distinguished principally as Surgions. Have they ever had charge of matters pertaining to insanity
Ans. I believe they have not.
By a Juror
Int. I think you stated that in drunkenness without insanity a person would be as likely to manifest his feelings against one person as against another. Have you never seen in whose neighborhoods when old grudges existed that they have been revived by the influencing liquor.
Ans. Yes Sir.
Int. Would not drink make one insane more insane.
Ans. Yes Sir
By Mr Dexter
Int- I understand you to say that it acted as a general excitant- like a person to the Sea creating an increased appetite- is that your idea.
Ans. That is my idea

X

Conrad Holtz Examined

By Mr McComas.

Int- Are you the Turnkey of the Jail

Ans. Yes Sir.

Int. In my going in on my first interview with Mr Hopps and the Physicians when did we consult and talk with him

Ans- The first time it was down below-

Int. Tell the Jury why it was that I went into the little room above. Whether it was at my instance or at your instance & give the reasons of it:

Ans. The reason was this- the little office down stairs was not aired most all the time there will be some less you down there & there will be more aroma. Mr McComas asked if he could go outside the jail, and I said it was against our orders, but we had a room up stairs and he could have it- he said he would go up stairs, and I did let him do so.

Int. In the first place was I not in the habit of consulting with him in the Hall and going down to near where his cell was.

Ans. Yes.

Int. Did you not tell me after that, that you would prefer me not going in, because of something that had been said in the

Recrdes Court-?
Ans. Yes- that's it-exactly. I told you. you-
could have the room up stairs and you said
well that- is much nicer I would rather have
the privilege of taking Mr Hopps up stairs and
so I gave you a room up stairs.
By Mr Knox
Int- Then is your common place of consultation
for attorneys with prisoners,
Ans. Generally in the Office
Int. Which is that-,
Ans- It is as soon as you come in through
the first-door
Int- That- is the common place of consultation
between a client- and his counsel.
Ans. Yes Sir
Int. Mr McComas did not want- to have-
his consultations there,
Ans. Well he did not- say any thing about that
he said ~~Hopps~~ there is so very much noise
here could you not let- us go inside the Jail
I told him it- was against- our rules and I
said he could have a room up stairs
Int- He said he did not want- to have his
consultations there.
Ans. He did not say he did not- want- it-
he said there was too much noise.
Int- And the subsequent- consultation was

had above.
Ans. Yes Sir.
By Mr McComas
Qst. Did you not change the rule yourself from the first time I went in. did I not go into the jail to consult Mr Hopps in the jail ten I remain with the Physicians.
Ans. Yes Sir.
Qst - and is that place not a place for receiving the wives and friends of prisoners
Ans. Yes Sir it is but it is also a place where lawyers come.
Qst. Was not my objection confined to saying that I must have some place where I should not hear the noise.
Ans. Yes. Sir.
By Mr Dexter
Qst. The first time I went there did I not have a consultation with Mr Hopps and with some Physicians in the room or office.
Ans. Yes Sir
Qst. At the next time did not that have to be so full that I could not have a consultation there.
Ans. Yes Sir.
Qst - You say Mr McComas rushed to go into the place and there was a rule against it. would he not have been surrounded by the

business there.
Ans. Yes all the time, because we give them a little a encein there. there would probably be about 20 in at a time.

J. Adams. Allen recalled
By Mr McAllister
Int. Have you any relationship to either of the defendants counsel by marriage or otherwise.
Ans- No Sir.
Int- Have you to Mr Walker. Mr Dexter's partner?
Ans. Yes Sir
Int. What is it-
Ans. We had the pleasure of marrying sisters
Int. You are Brothers in Law then
Ans. Yes Sir.

~~Andrew McFarlane recalled~~
~~and examined By the Judge.~~
~~Int. Have you any relationship to either of the~~
~~defendants Counsel by marriage or otherwise?~~
~~Ans No Sir~~
~~Int Have you to Mr Walker. Mr Dexter's partner~~
~~Ans Yes Sir~~
~~Int What is it~~

Andrew McFarlane recalled & examined
By the Judge.
Int. I cant not say that I have a clear idea
what you said as to mental & moral insanity
Ans. Would it suit your honors purpose to
substitute the words. intellectual insanity"
The Judge — Yes Sir.
Int. — What is the difference
Ans. — In most cases of insanity we recognize
a preponderance of affection of the intellectual
operations in distinction from a disturbance
of the moral qualities of the individual. that
is some instances the disturbance seems
to be simply one of the operations of thought &
reason with no excitation or special disturb-
-ance of the passions. jealousies. prejudices
animosities. We are in the habit of saying
the former kind is an intellectual derange-
-ment simply. We recognize no such disease
as moral insanity simply. but we some-
-times see the moral qualities so disturbed
unduly in the case and then we say there
is a greater moral disturbance. in that
case than in the former one.
Int. Let me see if I comprehend you. your
definition is perhaps comprehensible to a
professional man but I have difficulty in
getting hold of it. and therefore let me state