

was diseased and in an unsound state, by reason of a wound or wounds he may have received, or by reason of any other cause, the question will be whether the disease existed to so high a degree that for the time being it overwhelmed the reason, conscience and judgment, and whether the person committing the homicide acted from an irresistible and untrollable impulse. If so, it is not the act of a voluntary agent, but the involuntary act of the body without the concurrence of the mind directing it."

Then, after stating that the sanity of every person above the age of 14 years was presumed by the law, he added:

"The proof must be such as to overrule the presumption of sanity. It must satisfy you that he was not sane, or it must be of a character as I have before stated, to raise a well founded doubt of his sanity."

Now, after the evidence presented, we ask every candid person, was there not proof enough to raise at the very least, "a reasonable doubt" of the defendant's responsibility at the time of the homicide? If so, on the admission of the Prosecuting Attorney and the Court, it was not only proper, but the actual duty of the jury to bring in a verdict of acquittal. Further, the Judge made the jury off to be more competent to decide the question of sanity than the best medical expert put upon the witness stand. He said:

"The facts having been detailed to you of the conduct and character of the defendant's acts and declarations, you are as competent to judge of his mental condition as any witness, and, I may say, much more so than the expert witnesses, for I charge you that so far as the expert testimony is concerned, you should receive it with great caution."

This may not be very flattering to the eminent physicians who testified, but it gave the jury wide latitude, and precluded any such remarks as the judge made after the verdict. And in a subsequent sentence he went further, as follows:

"As I said, in determining the mental status of the defendant, having gotten the facts concerning his act, acts, conduct and declarations, you are as competent to judge of his mental condition as any one else, and you are not bound by the opinion or opinions of any witness or witnesses."

The jury, therefore, were as competent to decide the question as the Judge, by his own admission, and were the sole judges of the facts, as he charged them in the beginning. The censure, then, that his opinion after the verdict implied, is popularly considered gratuitous, undeserved and indicative of bias that ought not

to exist in the mind of the Court. It is generally considered that the assault upon Howard O. Spencer was unprovoked and murderous in its intent, and that his treatment by Pike, when he lay unconscious on the ground with his skull crushed in, still further indicated the brutal purpose and cowardly ruffianism of the lawless soldier. That whether his victim was sane or only enraged at his appearance, armed, in company with his own troops on the way to a farcical examination, he richly deserved his fate. That Spencer's known condition and previous and subsequent acts made it evident that he was not legally responsible for the homicide. That after the case had been inquired into and ignored by one grand jury, it was extra-judicial and needless to torture the defendant by taking up this almost forgotten act of thirty years ago. That no good purpose has been served by it, except the clearing the defendant from this possible charge. That the jury are to be commended for their impartiality and courage in finding such a verdict under existing circumstances. And that they had full warrant for it in the evidence and the instructions of the Court.

Howard O. Spencer is free, and both friend and foe heartily congratulate him on the result of his trial. We hold that it is wrong to retaliate, that vengeance should be left to Him who has promised to "repay," and that except in self-defense the killing of a human being is a most heinous crime before God and man. But mental responsibility as well as malicious intent is an essential element to the offense, and must always be established before conviction can be justified. And we also hold that neither law nor justice has been greatly injured or made tenderly sensitive, by the retribution which befel a murderous and lawless ruffian who perished in his guilt in the streets of this city more than thirty years ago.

VIGILANCE NEEDED NOW.

THE annual revision of the registration lists has commenced. It is important that every citizen of the United States resident in this Territory, who can take the required oath, should have his name on the register. Officers have been appointed to see that the necessary changes on the lists are effected. Voters who have removed from any precinct should have their names taken off the list for that precinct

and placed on the proper list. It is probable that the officers will see that the names of such persons are stricken off. But experience shows that, in some instances at least, they will not be so particular to see that those names are put on in the precinct to which the parties have removed.

This suggests that all voters who have moved their residence should themselves make sure that they are not deprived of the suffrage through the omission of the registration officer. Also that young men who have reached the age of twenty-one years, and persons who have been naturalized since the last registration should be careful to have their names registered. A house to house visitation, for the purpose of purging the lists and adding to them the names of those who are qualified, is required of the officers by the law. We hope this duty will be faithfully fulfilled.

But party interests have been permitted to enter into this matter and where possible, persons who are in sympathy with the minority have been appointed to attend to this duty. We think it will not be stating this matter unfairly, if we remark that, in not a few instances, the disposition has been manifested to register as many names as possible that will be likely to support the minority, and as few as may be that will sustain the majority.

Therefore, alertness and vigilance by the People's Party just now are urgently demanded. Nothing should be left to the registration officers but their bare official work. Each voter should see that his name is duly on the list and that it has not been improperly stricken off, or misspelled, or treated in any way so as to vitiate his right to vote at the next election. The local committees appointed to act for the party ought to be alive and active, just now and until the registration and revision are complete, to see that the name of every person who has a legal right to vote is placed upon the registration list of the precinct in which he resides. The prominent, live men of the respective precincts and counties should aid in this matter, and work together in concert to secure a full and proper registration.

It is also necessary that careful investigation is made, so that the names of persons who have not the legal right to vote are not placed or retained upon the lists, to be used in a fraudulent manner on the day