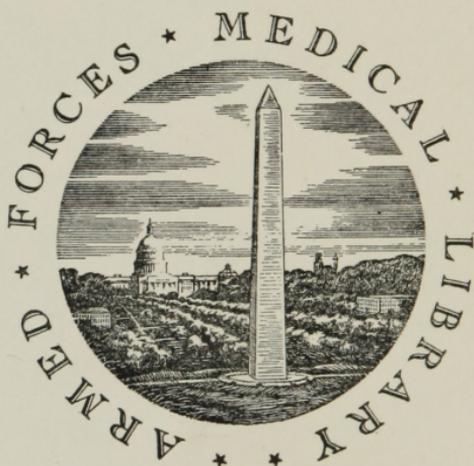


UNITED STATES OF AMERICA



FOUNDED 1836

WASHINGTON, D.C.

A
DISSERTATION
ON THE EFFECTS OF
PARTIAL INSANITY

UPON ALL THE MENTAL FACULTIES OF A

TESTATOR,

WHEN EXPOSED TO THE ARTIFICES OF A COGNIZANT, FRAUDULENT PLAYER
ON DISORDERED ANIMAL MACHINERY,

EXHIBITING A

REVIEW AND REPORT

OF THE TRIALS OF

THE LAST WILLS AND TESTAMENTS OF

CHARLES HALL & MICHAEL DEADERICK,

OF DAVIDSON COUNTY, TENNESSEE.

INCLUDING A

PHILOSOPHICAL ANALYSIS OF MIND,

With an exposition of the TESTAMENTARY COMPETENCY, and some observations on the influence of JEALOUSY, a disease of the passions, over the intellectual system. Designed as an aid to Jurors, Physicians and Lawyers, in testing wills and testamentary codicils, offered for probate and record in courts of ordinary; and to obviate the effects of injustice by *cupative* or *not-cupative* bequests of estates.

BY A MEDICAL OBSERVER OF NASHVILLE.

NASHVILLE:

PRINTED FOR THE AUTHOR.

1829.



THE STATE OF TEXAS

IN SENATE,

January 10, 1882.

REPORT

OF THE COMMISSIONERS OF THE GENERAL LAND OFFICE,
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE,
MAY 15, 1881.

BY

1882

REVIEW AND REPORT

OF

THE LANDS WITHIN AND TESTIMONY OF

CHARLES HALL & MICHAEL DEBORDIN

OF BAYLOR COUNTY, TEXAS.

1882

PRINTED BY

W. W. BROWN, PRINTER, AT THE
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1882

ADVERTISEMENT.

In cases of the character of that now before us, judges should be reminded with much *emphasis*, that the celebrated writers Heister, Boerhaave and Haller, of Germany; Coke, Haslam and Hale, of England, authorities of the greatest ~~might~~ *weight* and repute in foreign judicatures, as well as in the United States, when speaking on the occasion of introducing scientific testimony in courts, for the purpose of conveying information to juries, have very properly remarked, that a physician should not come into court merely to give his opinion, but should be prepared to explain it, and assign the reasons which influence his decisions; and without such elucidation opinion becomes only an assertion or *dictum*, claiming precedence without courtesy or obligation to *science*; and as the ground on which, ~~this~~ *this* evidence is now called for, may admit of some objection to the right of passing the *ipse dixit* of individual conjectural statement. It should therefore be insisted, on behalf of these defendant heirs and their mother, whose right and reputation may be grievously affected by the result of ~~their~~ *this* inquiry, that it be required of those who may be desired by competent authority, to extend the aid of medical jurisprudence on this occasion, to present their testimony in *writing*, and in as intelligible language as practicable, with the remarks and reasoning in support of the opinion offered to the court, jury and bar, to prepare them for a satisfactory adjudication of this important state *cause*, embracing points of some doubt and no small difficulty with the uninformed in the science of *juridical medicine*. Destitute of which illumination, a jury cannot render justice to parties in such a controversy. And this may be the more necessary, in case a jury is not composed of the three learned professions, to try the will in dispute, under every advantage from the history of man, and that branch of science treating particularly on the subject of the present investigation; and this will be the more expedient, as the technical language of the professions united in this inquiry, being commonly of such mysterious obscurity, that most students seem to have acquired only names and phrases without seeing their force and legitimate import; and employ them more from habit than comprehension, which may require an etymology of words of important meaning; and to express the manifestation of mind and its diseases, by the most familiar expressions generally understood, and clear of the servitude of professional nomenclature. The principal reason for making this request is, that Judge Stuart delivered an opinion in his charge to the former jury, in discrepance with one expressed very emphatically on the trial of a similar case some years ago at Lebanon and at Nashville, and which may have occurred as well for want of capacity to comprehend the doctrine and science exhibited in the able, independent and appropriate address of Patrick Darby, as for want

of the additional light which can be cast upon the interesting topics now before us, including some notes on, with a short sketch of the history of the recent case of our vanquished Governor and heroic General Houston, of Jackson laurels; and whose imbecile mind, controlled by the exuberance of his passions and polluted imagination, subjected him to the fate of many immoralists and debauchees, while under the shock of the sentence of the supreme court of Tennessee, against a similar transgressor; and prostrating all his hopes of a re-election even by his deluded populace and voters; also disqualified from correct judgment and free suffrage, by undue influence of imagination and passions upon the other powers of mind; and positively proscribed by our wise political charter, as well as all sage advocates of republican institutions.

These
These

INTRODUCTORY PREFACE.

After an inquiry into the merits of the cause of an aspersed widow and three defrauded children, resulting in a mis-trial, and after consuming, as is customary with the superficial and venal, several days, by a tedious and laborious examination and interrogation of witnesses, with eight or ten long speeches; and for want of a well informed and independent judge, the following discourse, furnishing the scientific testimony called for, on the scrutiny of the imputed will and testament of Charles Hall, deceased, was prepared for the insight of a future court and jury, with a view to elucidate the civil and ecclesiastic law on phrenary incompetency, and to secure to legal and moral claimants, their right the inheritance from progenitors. But, the contents of our brief outline being impressed upon the ingenious and susceptible mind of Mr. Bledsoe, formerly judge in Kentucky, and the only literate and scientific advocate that appeared on the part of the defrauded widow and minor heirs, a compromise was effected at a subsequent term of court, without another forensic canvassing of a paper characterizing a palpably invalid will, by reason of a condemnatory testament, in the hand writing of an attorney for the defendants; and conceding the right of those who had been disinherited by a husband and father under the dominion of *zealotypia furabunda*, arising from the operation of physical causes affecting the imagination and passions of a dying testator and *non compos mentis*. But, without a verdict and judgment in favor of the injured mother and her offspring, as there should have been, and charging the whole of the cost to the advocates of the self-condemning testament, as was due to those who had been slandered by the adult heirs, and threatened with infamy and want of protection, the charge of Judge Stuart being on the first trial, opposed to the spirit of such a Will; but inconsistent with, and adverse to that delivered by himself at Nashville and Lebanon, on the examination of Deaderick's Will by Searcy, drafted by a familiar acquaintance and a much interested pupil of the J—n School, and affirmed in favor of a strong conspiracy against the heir at law, and evidently less sustainable than Hall's, for differing from a previous, more rational and parental disposition in the devisor's own manuscript, drawn with great care and neatness, to meet the eyes of posterity, and deposited, in a lucid interval, for safe keeping and perpetuation, with the directors of the Nashville Bank, with the necessary attestation by himself and observant witnesses. As this print is designed also to counteract any impressions that may have been made by the elaborate and vehement speech of Attorney Breckenridge, in opposition to the matured opinion, supported by the ablest arguments, and concise though nervous reasoning of the supreme court, reported by Littell of Kentucky, where infidelity, anti-christian tenets or fanaticism, and an

unsound religion have been making rapid progress with the delusion of the people for thirty years; as well as in opposition to the sentiments and cogent reasoning of the learned and independent Judge Haywood, on the subject of the statute of Wills and testamentary faculty, it is hoped our efforts will not be less acceptable to those whose attention has been directed to the expanding study of the elements of the philosophy of mind, and to that branch of juridical medicine, insanity, which has derived so much from the literature of the ancients on this important subject of the inquiries of the medico-civil philosopher; and no little improved by modern writers on the economy of mind and body.



The Widow and infant heirs of Charles Hall,

vs.

John B. Hall and other adult devisees of said Testator.
Circuit Court for Davidson County, Tennessee, November Term, 1828.

To qualify for a scrupulous discharge of the duties enjoined on this branch of government, composed of a judge, sufficiently informed jurors and the officers of the bar, now engaged in an examination of the manuscript of Attorney Martin, presented to our inspection under the caption of the last will and testament of Charles Hall, deceased; and to enable us to determine how far that husband, father and member of society had a natural, legal and moral right to execute such a partial distribution of his terrestrial estate, it will be necessary to advert to his age, confirmed habits, &c. and to weigh the data and circumstances detailed by the witnesses who have been interrogated in court, while we introduce a scientific description of *will* and the *testamentary capacity* referred to by writers on the statute of wills, on medical jurisprudence and the philosophy of mind; and which capacity, doubtless arises from a well arranged and correctly toned corporeal and attuned mental machinery, since by denying that man is a machine, we are in danger of imbibing the impious and delirious notion that *God* is a machine, and of acting under the influence of so discomposing and disqualifying a tenet. To do justice to the contemplated inquiry, and to be prepared to comprehend the nature, design and end of that important transaction denominated a testamentary bequest, and to assist us to understand perfectly the use and advantage of scientific testimony which is often relevant in cases of doubtful attestation from superficial and deficient observance, it may be advisable to premise a short physiologic, metaphysical analysis of mind into its component parts or true elements, admitting nothing that is factitious; as a faint epitome of the philosophy spread upon those extensive maps of the intellectual kingdom which have been unfolded by the genius of Mal-Branche, Descartes, Locke, Sidney, Hartley, Reid, Stillingfleet and our countrymen Edwards, Gross and Rush, and that have been so judiciously reviewed and condensed by S. Miller in his *Retrospect of science and literature for the eighteenth century*. A brief sketch of the science of mind will be very useful to us at present, because, without it we cannot scan the state and effects of mental dis-arrangement, nor comprehend what is expressed in authors by the saxonian terms *sund*, and this knowledge will explain to a jury the operations of the body on mind and *vice*

versa, while it teaches that no physician, ecclesiastic or civilian unacquainted with this science, should prescribe for, or give his opinion on *mania* or intellectual disorganization; (by this term, which is compounded of the two Greek words *men ana*, and in Latin *mens seorsim* or *separatim*, is meant mind distracted, or interrupted in its component cords or faculties, by the influence of causes that are excluded by inculcations of medical and legal institutes, from any agency in making of *wills*;) and that without the acquisition of some information and knowledge assumed to be correct, and impressed by the experience and attentive observation of jurists and jurors, as well as physicians and divines, it will be difficult to discharge the duty required in the developement of the subject under disquisition.

In treating of the state of man, with the infirmities and depravity consequent to his fall—that we may be able to counteract the objections, arguments and reasoning used in Mr. Breckenridge's famous speech, which will probably be quoted, as it was designed to be by the author, when he had the same recorded with the opinion of the supreme court of Kentucky, by their state reporter, with a view to unsettle the law, and illuminate, as he thought, the people and judiciary of the west, and so to destroy the decisions which had been made in the United States, while the precedents from England might be rejected, to multiply contention and promote the interests of men of his cloak; the heir of Deaderick having been refused his filial claim—it will be proper to assume and urge that mind and body act reciprocally on each other at all times, but more perceivably in sickness, disease or pain and disorder, which is as self-evident as that conceit can kill and cure, or that heat and light on our globe are produced by a stimulating principle daily derived from the sun, the sensory of the universe.

In the conveyance of *Will* now claiming a civil and scientific investigation, and which takes its philosophical etymology from one of the most prominent faculties of the human mind, giving us the power of reason, and distinguishing man from brutes, and has effected all that is great in the world, not only all the sensorial powers are employed, but the exercise of reason is also concerned, which includes memory, imagination and understanding. Of what then is the mind of man composed, and in what does that *testamentary capacity* consist, about which there has been so much confusion in jury trials in the southern and western states, for want of a key to comprehend the technical phraseology of those able writers on civil and medical jurisprudence, Justinian, Swynburn, Bacon, Coke, Roberts, Gross and Benjamin Rush, and others of no small fame in the world? Haslam being most conspicuous.

By Mind is to be understood all its faculties, which are divided into Memory, Imagination, Understanding, *Will*, Passions and Moral Powers, the latter being divided into Moral Faculty, Sense of Deity and Consciousness; and however distinct in their number and separate in their situation in the sensorial bowl, they constitute a wonderful unity and symmetry in their harmonious concert. *Secondly*. That every act of the *Will* and all the intellectual operations depend on certain motions excited in the cerebellous, cerebral and spinal apartments—the trinary chambers of mental government, by external impressions upon the corporeal senses, the well known avenues to the mental citadel. It is quite immaterial in the prosecution of the present inquiry, whether these motions depend on an ether or electroid fluid, it being sufficient that they are excited by external and internal *stimuli*. *Thirdly*. We must assume, that from the phenomena of several *diseases, obstruction, debility or inaction*, call them what we may, they are more or less of disorder, unsoundness or *non compos mentis* state in the brain, that organ where these faculties are seated, or that instrument referred to by poets, and composed of the nervous cords or faculties which we are endeavoring to expose to the comprehension of the jury. *Fourthly*. We are to take for granted that the perfect exercise of our faculties depends upon a certain medium of the brain: this medium or temperature depending on a certain consistency and firmness in the sensorium, disclosed by anatomical dissections. Hence, the softness of this organ in children and the hardness thereof in old age and certain diseases, as misplaced gout, madness, torpor of mind from excessive spirituous potation, instilling into the stomach the juice, by mastication and absorption, of the odious narcotic-nicotian bane, the aliment of the African goat, the maniac's stupifier, and the mentor of the slave and savage, disqualifies this organ for proper exercise or motion.

Memory is the most astonishing faculty of our minds, and is much employed in volition and devising of estates. It is the power of recalling past scenes, of putting us in reminiscence of our duties and obligations, and would appear as wonderful as being able to predict future events, if we were not accustomed to its daily and hourly exercise.

Imagination embraces present as well as future events.

Understanding is so essential to our minds, that the mind is often designated by it; and it is the business of this sublime faculty to receive impressions, both external and internal, and without it memory would be a mere magazine of ideas and imaginations.

By the *Will*, the fourth original attribute, is meant that important faculty of mind by which we are impelled to do good and to

avoid evil. It has long been contested by some philosophers and certain divines, whether the *Will* acts by free agency or moral necessity. This contest will probably be finally settled by the physiologist and anatomico-medical philosopher, as it cannot be determined by the fanatic zealot, the hypochondriac religionist, nor the mercenary advocate, although endowed with the genius, the specious talents, and all the verbose display of flowery diction, frothy metaphor and declamatory parade of a Joseph Cabell Breckenridge of Kentucky, opposed to the sound science and extensive literature of a Rush; and the clear and satisfactory judicial civil laconism of a Haywood, in the instances of *White vs. Cox*, and *Keeble vs. Cumings*, of Tennessee, and reiterated by the supreme court of our neighboring state, in the case of *Johnson vs. More's heirs*, after the fantastic display of their forensic orator, ascribable to the mere flights of a fruitful imagination, calculated chiefly to conceal the want of observation and the ignorance of their inventor, entirely in the dark as to the import of liberty or freedom in man's *Will*; and whose great object seems to have been, in his day, to unsettle the well digested English law on insanity adopted by the courts of the United States, for the purpose, like too many in our times, of multiplying litigation on a subject of so much interest to attorneys and advocates of a venal forum, and for which end he was prompted to publish his splendid and elaborate speech under the opinion of court reported by Littell, of Kentucky. In that speech the author seems to have studied withholding from the mind of the court and jury all sound science on this subject, and of guarding against the impressions that willing is a mode and consequence of the faculty of feeling, and that liberty is the power of executing our *Will*; that it is our first good and includes them all: that constraint, from the influence of any cause or causes, includes all our ills, since it is a privation of the power to satisfy our wants and accomplish our desires: that all constraint is sufferance and all liberty is enjoyment: and the total value of the liberty of an animated being is equal to that of all his faculties united.

A self moving power in the *Will* is as absurd as to say the body possesses a self moving power; and the acts of our Wills depend as much on impressions as animal life depends on stimulus, the musical tones of the organist upon his fingers, and heat and light on our globe depend on solar influence. The *Will* certainly derives its resources from Memory and Imagination, and acts with and without the consent of the Understanding, through the instrumentality of the Passions; and these are to our minds, in the language of that generous benefactor of the human race, Benjamin Rush, the author of a treatise on Mind, remarkable

for the acquisition since the time of Hippocrates, of great additional learning and information on this subject, as well as for perspicuity of style and the admirable arrangement of its matter, deriving great authority from the exposure of its foundations, and furnishing a finished specimen of the inductive medical philosophy, constituting a legacy of the highest value to the world, notwithstanding the opinion of Mr. Breckenridge to the contrary, "what boats are to a ship in loading and unloading," said that distinguished American in the plenitude of his beneficence under the enjoyment of unhampered liberty in his sound and free *will*. They seem to convey motion to the memory, imagination and understanding, and are the executive powers of the *will*.

Moral powers receive their impressions from particular things only, and are innate or congenital, and will perform their office while the mind is sound and well composed, or speaking in the spirit of science, well organized, and possessed of perception and a collected and disposing memory. These are moral faculty, properly so called, sense of deity and conscience. The Moral Faculty seems to act as legislator, while Conscience performs the office of judge in the triune *parliament* of the sensorial chambers. The first resides in the *will* and the second in our understanding. By the former St. John, who like Moses, Paul and the second redeeming Adam, often displayed its supreme control over the whole mental system, and particularly in extending of sedative and moral influence to all the passions, must have meant that light or divine spark which lighteth every man that cometh into the world, and it will direct our course through life's bewildered race, until immoral habits, vicious practices and corporeal disorder, by extending their influence, in the hands of the designing and more depraved, to the nervous corded instrument, interrupt the duties of life, and involve dying mortals in more error; when it will become necessary for the medical jurist, the metaphysician and theologian, to unite with the conscientious ministers of law in civilized and enlightened society, in arresting the hand of avarice and injustice, and in rendering relief to, and in making the necessary provision for the household and legitimate offspring and claimants of the *non compos mentis*, viz. the *distracted* and legally disqualified from *testamentary exertion*.

Sense of Deity, implies a sense of Supreme Being, as a first great cause, the author of all good and preventer of evil. This divine impression distinguishes man from other animals in creation, who possess many of the other faculties; but sane and rational man alone possesses a sense of deity; and it is as natural as any faculty of the mind, and belongs as much to the charac-

ter of man to be religious as to be social with his species, and provident for and just to the offspring of his loins. This sense, it is true, may sometimes be perverted, melancholy experience teaches us, like the understanding in the worship of Juggernaut and crocodiles in eastern countries, or of ravagers renowned only in savage imagination for devastation, murder and triumph in fields of blood. But, man's religion will always produce some good effects under the direction of a correctly toned mind, and prompt all, under due influence of sense of deity and moral powers, to the duties enjoined by lawful vows and compacts, unless prevented by the worst of all diseases, referred to by the Roman jurist and physiologist, *infidelity* to the conjugal covenant, *which* can deny to a man's own household, the provision and support claimed by natural, moral and municipal law; and when controlled by the syren impulse of an interested player upon animal machinery shattered with phrenetic jealousy, may suffer the execution of the most injudicious, irrational and unparental devises of property, and with which accountable probationers have no more right to do as they please, agreeably to advocate Breckenridge's libertine conceptions of freedom of *will*, than to abuse and degrade those talents, and to waste that time which have been furnished by infinite wisdom for good. The exercise of this exalted sense furnishes great and necessary incitement to the mind, by holding out rewards to be obtained and punishments to be avoided by a discharge of obligatory duties; and is as necessary a monitor as food is an essential stimulus to our bodies, for producing and keeping up that arrangement of the mental faculties, so absolutely necessary to an exhibition, according to the spirit of law, and the import of the word testamentary, of the evidence of a sound mind and disposing memory. A striking example of the necessity of a religion, or the due weight and influence of this divine *regula regulans*, as well as of the evils arising to a depraved world, from the want of connection and association with civil and political government, has been clearly demonstrated to the enlightened people of our planet, by the French revolution, during the prevalence of the politico-military phrensy of that infatuated nation; and which was excited by a directory of the despotic agents of the author of anarchy, and of scenes of the most unprecedented human slaughter ever heard of, under pretence of emancipating the world from the tyranny of kings and the religion of nature's *God*, influenced by a deranged regicide, religionicide, and a homicidal emperor, whose bewildered and extravagant imagination unrestrained by sense of the ubiquity of deity, had planned within the walls of a Gallic college, in his youth, the subversion of both human and divine governments on earth; and no doubt, like some

of our pretended sovereign patriots, for the acquisition of wealth and temporary aggrandizement among the deluded subjects of his reign. (But, may the further propagation of such democracy through delusion of our inhabitants, be prevented and perpetually stayed by the appeal now made to the higher powers, the judiciary councils in our united republics:) The abstraction of which cheering stimulus from the minds of the rulers of the sham Gallic republic and their aspiring dupes, impelled them by the artifices of their satanic chieftain, to the unsound *will* of atheism with all its gloomy horrors to that nation, producing the greatest sedative to animal life, and calculated to keep up the sorest obstacle to a sane and correct operation of judgment at all times, and more especially on a death bed sickness, which so much affects the volition and nolition of those subject to its dominion.

From the foregoing portrait of mind, its state and functions, the following corollaries arise, and should regulate, it is believed, the decision of a sound court and jury on the present occasion, directed by the premonitory *scientific testimony* which has been called for on the examination of witnesses introduced on the trial of the paper said to contain the last *will* and *testament* of Charles Hall, of Davidson county, who was long in evident dotage, from the combined influence of old age, *mania a potu*, or *delirium tremens*, the inebriating and paralyzing effects of the excessive use of tobacco and of jealousy, producing their usual effects of torpor of nervous energy, disease of passion, derangement of will, and probably disarrangement, *atonia*, or *non compos* state of the whole *mind*.

Corollary 1. What the eye is to the body, reason or understanding is to the soul, said that irresistible physiologist and unrivalled sound jurist, St. Paul.

Cor. 2. The eye is framed in such a manner as to be capable of seeing, and reason in such a manner as to be capable of hearing. But,

Cor. 3. The eyes of the body cannot see without light, and reason, though ever so perfect, cannot know without instruction conveyed to the mind by experience, observation and reflection, through the corporeal senses of man.

Cor. 4. The eye may be what sees, but light is the cause of its seeing.

Cor. 5. Reason is that which knows, but instruction is the cause of its knowing, and is therefore the *eye* of the *mind*.

In the cases reported in foreign as well as American Medical jurisprudence, we have exemplifications of the advantage of scientific over positive ocular testimony in autopsical examination or actual inspection, demonstrating that one person, through

the eye of science directed by the light of medical and chemical philosophy, can see, understand, and know more at the distance of some hundred miles, than many men can discover and detect with their eyes almost in contact with a subject of their inspection, unaided by those glasses which are often effectual in preventing imposition upon bodily optics, and in supplying the place of deficient or ambiguous testimony in *juridical medicine*.

In further illustration of the subject in disquisition, and as the causes of the defrauded heirs were analogous by involving the same leading question, for additional information to this jury, we will introduce, with the court's permission, a report of the trial of the *will* ascribed to George M. Deaderick, with a commentary on the evidence, arguments and reasoning applicable on the examination made on that occasion, under circumstances extremely unfavorable to the rights of a legitimate heir, opposed by an interested, influential combination, notwithstanding his advocate had, by the aid of the most credible testimony afforded, clearly demonstrated his superior rights, in consequence we have been advised of an injudicious and unsustainable opinion, and a defective charge from the presiding judge, and which was in the following words, viz: "Gentlemen of the jury: it is not for you to think or say what you should or would have done in the situation of Deaderick. You must look at the *testimony* and take notice of what has been stated as to the *sanity* or *insanity* of the *testator's* mind at the time of signing that paper; and if the witnesses have stated he was in his sound mind and possessed of sufficient memory, you must sanction and admit to record this *will*, without regard to what you think the face of the paper shows to the contrary, or whatever your judgment may be of its incorrectness." In other words, regardless of the internal evidence of the transaction not being supported by settled law, and the reason of things, and the conjugal pact or bilateral covenant entered into for the education and maintenance of mutual offspring as insisted by Mr. Darby; the *Wills* referred to having been written by attorneys of legal information and of no small practice in the probates of *Wills*, &c. the first by Mr. Martin, who like most men employed to do such business, feels an interest in the sustentation of the same; and the latter from the pen of Robert Searcy, who was much interested in passing his manuscript for the Will of Deaderick, who had deposited, in his own hand writing, and drawn in a very neat and careful manner, a very different disposition, parentally and judiciously prepared for safe keeping with the directors of the Nashville Bank, and at a small distance from the place of his decease, when Searcy's paper was presented and signed without any recantations of the first, or any evidence that he had any intention to revoke

it, the former having been, probably, written in his usual health, with all the advantages of solitude and reflection, and the arranging effects of digesting and writing a lengthy manuscript, and when not under the influence of his habitual, inordinate suspicions and the intoxicating influence and deranging stimulus of groundless jealousy, which had so often disputed the birth-right of an only son and legal claimant, as was stated by the witnesses examined in court before Judge Thomas Stuart.

On the subject of the testimony introduced in court in relation to the last illness of C. Hall and G. M. Deaderick, including a brief sketch of their lives and the state of their minds under the dominion or delusion of jealousy, a disease of their imagination and passions, constituting a partial insanity which affected them for several years, the latter in a very unusual degree, and the former so much as to be often perceived by his visitors, and recorded in the paper before us, the following statement is now submitted, with a forensic medical opinion respecting their testamentary incompetency, and answering the questions as to capacity to compose or dictate, and a legal and moral right to execute the *Wills* imputed to them in the manuscripts of Searcy and Martin, and offered for the sanction of a court of justice; and which opinions and statement, with the arguments and reasoning annexed, have been prepared to meet popular animadversion with the speech of Mr. Breckenridge before the public, with a list of the jury empannelled on the present trial, including the opinion and such a charge as may be given on this occasion, by the present judge, for the benefit of the people of Tennessee. From the detail of circumstances and the diagnostic symptoms mentioned by several witnesses who were examined on behalf of Deaderick's heir at law, and particularly Mr. Cassidy, Major Lewis and Norton, and some of the doctors in attendance, it is believed that the disordered and dissolving condition of the body and mind of said victim of jealousy, was produced by what has been termed retrocedent gout, as it could have been nothing less at his age, in a person of his luxurious living, licentious habits and debauched manner of life, after the precursory disease of violent distorting external rheumatism, which is an inferior grade of internal and vital gout, or *obstruction* affecting the *vital organs* and animal functions, exciting great direct or indirect debility of the stomach and liver, *heart* and lungs, and frequently sympathetic disorder of the *head*, inducing imbecility, irrationality and insanity or *disarrangement* of the *mind*, the seat of the *Will-making* faculty. And from the known action of body on mind, and mind on body, and of the reciprocity of action subsisting between the mental faculties when exercised together and in close succession as they should be in

the testamentary transaction, and all important treaties or contracts for real or personal estate, we are to infer that an unsound state of his mind must have physically and morally ensued; for it is no less an inculcation of physiology and the science of mind than of the dictates of sound common sense, that the mutual influence of body and mind unavoidably subjects the mental powers to the influence of corporeal *debility* and *disorder*, especially when those parts which are more intimately connected with the *mental throne*, are the seats of weakness and disease. We were informed by some witnesses, that the subscriber to Robert Searcy's paper, who was not heard to mention *Will*, son or heir, nor known to have heard that paper, as it was called before witness Bradford, read, when he asked his witnesses to sign it, (and which is the *sine qua non* every where,) and who would thereby have had, according to Swinburne, the construction of the Justinian law, and the learned and scientific German J. D. Gross, and Erskine, a fair opportunity of testing the state of that testator's mind, and with the application of their own corporeal senses to his physionomical index, when consulted and examined on the subject of such a transaction of the combined faculties of his mind, disclosed much disorder of the head and heart, by an intermittent pulse, severe pain, difficult respiration and resistance to tired nature's restorative from fatigue and exhausting pain, amounting to a total suspension of that kind tranquilizer for four or five days and nights, before said paper was signed, while opiates were ineffectually administered, and which are known to increase mental incompetency, when injudiciously used or where they fail of their wonted success in procuring sleep and rest in sickness, and which are more effectual in arranging distracted minds than all the anodynes in the physicians *Mat. Medica*, or any other extended from the kingdom of Heaven to disordered and delirious mortals: the absence of which, for only a few durnal periods, is apt to render uncollected any one, and to impair reminiscence in the best health. If such be the effects of its privation in full health, how can it be possible to the physiological eye, or to the apprehension of sound common sense, remote from supernatural aid or miraculous interposition, to which such *Wills* show no claim nor influence, for a patient so disordered and sleepless as he was said to have been, when all the corporeal avenues were closing and ceasing, by the laws of the animal economy, to transmit their stimuli, to enjoy that collectedness, soundness of mind and disposing state of memory in a sufficient degree, to have enabled him to compose and execute, after reading or hearing read, and of which the necessary evidence was not produced in court, a *devise* of a large and extensive estate, and so materially variant

from that he had prepared some time before in a neat and careful manuscript of his own? and probably in a lucid interval, with the advice of some conscientious jurist, as to furnish for the ratification and record of court, the *internal testamentary conviction of a sound Will*, and like that deposited at bank by his own hands; and which appears to have been the requisition of the *Justinian Statute*, and the English and American medical jurisprudence, expounded by Johannes D. Gross and other moderns, as well as the injunction of perfect and immutable law. Such an important transaction, it is believed, was not practicable with those two victims of disorder and disqualification from the operation of the physical causes mentioned and to be adverted to, nor any persons subject to *dementia furibunda* from the influence of several causes upon a *moral faculty*, and particularly the causes occasioning that idiosyncrasy which disposes to *zelotypia furiosa sine ratione*, an evident disease of the passions the most unmanageable and deranging cord of the hymenial bond, when preternaturally excited by jealousy, and which has often impelled a father, in contempt of the most solemn obligation of life, to disown and disinherit offspring with features, &c. strongly marking their patrimaternal origin. That such a disease of the passions preyed upon the imagination and other departments of mind in those two fathers, (and which *disease* we are taught by the experienced Ovid in his history of love, originates from defect as well as excess of this affection, existed in a sufficient measure to affect all the other powers of mind,) is in evidence from the witnesses introduced as well as from the letters of Deaderick; and we have heard and seen so much of the effects of jealousy in that man, that the conclusion unavoidably follows, if there ever was a jealous *maniac*, G. M. Deaderick was an unfortunate subject of it, who, by such baleful *influence* on his passions, and through its consequent effects increased by much corporeal debility, affecting the other faculties of mind, was prevented from the correct operation of his judgment, and of the power of sound will, which we are to recognize in the human understanding, and into which the faculty of thinking or feeling necessarily revolves itself, when decomposed into its true elements, excluding every thing factitious; and may thus have been disqualified from rendering justice to a legitimate child and his household, which may be numerous and extensive in the west. Of the existence of the same disorganizing disease in the head and heart of C. Hall, constituting likewise a legal and moral incompetency, we have proof from witnesses, as well as on the paper presented for record, with the false reasoning and futile argument offered by said subscriber, in as far as that provision for his wife and children has not been made, which

should have been made, and would have been thought necessary by a testator in discharge of his duty, uninfluenced by the causes mentioned.

By the principles of the science of natural and moral rectitude, we are taught that parental love, the tenderest affection, taking a lively interest in all that concerns the happiness of children, cannot cease, in a sound mind, but with life, and ought to be visible in its effects after death. We set it down as a natural parental duty, that parents leave some of their effects to their children after their decease. It is on this account chiefly, that nature has vested persons with the right of property, that they may render their family useful to society; and the most divine man that ever lived on earth, except one, has said, in the language of inspiration, that the greatest good the father of a family can do, is to take care of his own household; and nothing appears from the principles of nature, nor the lights of the science quoted, why the wife should not have the same right, together with a generous maintenance from the estate of her husband, in case he should be found unfaithful to his matrimonial engagements, to enable her to perform those duties of natural guardian to their offspring, that have been forgotten or disregarded by an unfaithful lord of his household.

When I came out to West Tennessee to reside, Major C. Hall lived where he died, near the Clover Bottom. I had, soon afterwards, frequent opportunities of seeing him at home on my road, and of observing his appearance and conduct in presence of two wives and his children, in ordinary health and in sickness of himself and second wife, whom I attended. He appeared to be declining fast in strength of body and vigor of mind; and at all times when I saw him, seemed to be, like too many others, under the influence of the combined noxious effects of the narcotic and inebriating influence of tobacco and spirituous tippling, two causes which, when associated with the infirmities of old age, are remarkable for impairing the memory in most persons, but more especially the superannuated, who seldom if ever recover the proper exercise of the powers of mind, after such causes are removed; and are very apt to fall into greater debility and atony of both mind and body, and which is natural to our tenure of the forced state of animal life. He appeared to be illy calculated to manage his domestic affairs, or to aid in the education of his children, and to manage his negroes, stock and plantation to much advantage. The appearance and habiliments of his person, as well as the condition of the house, in which I often saw him, were those of a man whose mental powers were not in proper tone or exercise. His mouth was always full of tobacco, and the saliva impregnated

with its juice, was trickling out of the corner of his lips, over his chin, and shewing its traces on his clothes, in demential costume; and I do believe he was, in the general, such a man as should have had a guardian appointed under such an act of legislature as has been passed in Pennsylvania, dictated by the wisest of medical men and civilians, for the most humane purposes, in imitation of sage statutes of the ancients, and to take care of his property and person, in justice to his wife and children, who were helpless, as he was failing much in corporeal and mental stamina. He was certainly much addicted, if not uncommonly, to the ingurgitation of ardent spirits, and to the mastication of that drug not much less prostrating to the mental system; and I think had suffered too much by their morbid and corrupting effects, to be restored sufficiently at his period of life, to take care of his family and estate, if he could have lived without them, or was to be prohibited their use for the residue of his days, by medical council.

I have had no knowledge or suspicion of the influence of jealousy on his passions, nor of any unchasteness in his wife; but am not surprised to hear that a person who had married under the circumstances that he did, was affected, with that hallucination, after so long intemperance, when I observe in his testamentary exhibition that he has neglected to provide for the education and support of his minor heirs, or to enable his wife to discharge effectually the duties of a mother and guardian to their mutual offspring, in conformity to that compact of divine institution, and which all married men and sound or well composed testators ought to think of, and respect on the confines of another state of existence, when leaving them in this demoralizing and corrupting world. In the *Will* imputed to Hall, we can discover no increase of power in sense of Deity and Conscience, from the absorption of the faculty of his memory; and on reference to, while profiting by our observations on the history of dying parents, sustained by the lights of the science quoted above, we cannot perceive in the paper before us, any excitement of intense solicitude for the welfare of husband and father Hall's wife and minor heirs, to authorize an approximation of a *Will* so palpably unparental and defective in this respect, to a sound or well composed mind; and by thus encouraging parties in the matrimonial compact, to disregard and violate their obligations, we may undermine the principles of virtue, on which civil government is only secure, agreeably to the most sage constitutionalists, lawgivers and moral philosophers in ancient and modern times.

Some of the witnesses examined in the case of Deaderick's *Will* stated, that his mind appeared to them to be sound and well

composed, notwithstanding the admission of many of the symptoms; but, in such admission, they have furnished in my judgment—grounded upon an understanding of said case, from the symptoms detailed—the most satisfactory evidence of the contrary, viz. “that he was dying when they left him, soon after that transaction, and could not survive his wrecked situation.” Which was equal to saying, a patient when disorganized and dissolving with disorder in the most important organs and functions of life, distracted and sleepless with severe pain, could possess a vigorous state of mental powers, and which ought to be pronounced a medical paradox, by a pathologist and an adept in the anatomy of mind, and which teach us that which is physiologically and metaphysically false, ought not to command our belief and confidence. The most cursory reading of pathology, physicks and of those laws regulating the system of animal nature, not confused with that study unknown to oppress by its plethora, the intellectual functions of too many of our modern doctors, courtmen and petty legislators, should convince persons possessed of only talents and observation for profiting by the experience of the common subjects of pain and corporeal disorder, that such an opinion should bow at the shrine of science and succumb to expanding observation, and must yield to the reason of things, and should not be advanced, nor could be maintained by those acquainted with the relation of causes and effects. Other witnesses, with those above referred to, thought that *Deaderick's case* was at one time in a prosperous way. But, in this opinion they were likewise mistaken, for the progress of the *disease* to dissolution, was marked by the symptoms given, and proven by their event in death; and no signs were pointed to us, from which there was reason to infer any amendment had taken place, to authorize an impression that his internal and actually mental gout, was at any time returning to an external and less fatal form, and thereby showing a recovery of tone and vigour to the organs of life and animal functions; death, therefore, could not have occurred proximately, from what is called relapse. Major Lewis, Mr. Cassady, Mr. Norton, and Cason, an overseer, four witnesses examined in court, the first of which is a man of as much useful learning and discernment as any that was examined, and whose integrity and impartiality are surpassed by none of those interrogated, have told us that they believed G. M. Deadrick was not qualified for the *testamentary transaction* at any time when they saw him. Cassady and Cason the overseer, were much about the house and saw him very often, in sickness and health, alone and in company, with and without his bottles. Two of these witnesses also stated what I believe to be consonant with good sense, observation and ex-

perience of all competent and candid men who had felt the enervating effects of the annual epidemics of our country, that a sick man's mind will not be in a condition to make his *Will*, when his physician and other transient visitors discover nothing in the state of his mind, unfitting him for that solemn, perplexing and important transaction, often requiring the sound state of every faculty; and that a patient may not be sensible of incapacity, until a recovery of more strength and health: but, that a person in constant attendance, and with the eye of sympathizing watchfulness and sobriety, and well acquainted with a man in ordinary health, will often perceive what Norton's mother did, and which had escaped the perceptions of himself and the observation of others in their short visits. Major Lewis, whom I attended in his illness referred to, when I had no apprehensions of danger, declared on his examination, that on his recovery from fever, he was satisfied he had been disqualified by weakness and disorder, from *testamentary* exertion, when neither his physician nor attendants were apprized of any danger of his life. The same was stated by Norton, who added that his assiduous and attentive old mother was correct in her opinion, when he and his transient visitors did not concur with her; and he was persuaded, after getting better, that he and his visitors were deceived, as was Major Lewis' physician, and that his mother alone was right when she said "he had been out of his senses." This opinion I well recollect to have heard delivered above thirty-five years ago, by the observant, scientific and benevolent Rush, in his public lectures, the correctness of which has been confirmed by my annual observation and experience, viz. "that nurses and intelligent old women in constant attendance on the sick, will frequently discover what eludes the notice of passing visitors, and even eminent physicians and persons of inordinary research;" and related an instance of an old nurse correcting him in a mistake, and enabling him thereby, to cure a patient of whose life he had despaired; and therefore recommended to his pupils to counsel and advise with *nurses* and old *women*, and pay respect to their reports and suggestions on the situations of patients, in preference to the prattling of mongrel graduates and pedlers in medicine. Those doctors and some other witnesses attending Deaderick and Hall, were probably deceived for want of attention to observe what others saw, and what the result of that sick man's case proved to have existed and confirmed by their *Wills*, viz: such great disorder of the vital organs and animal functions, as to cast the mind off its pivots of motion and proper exercise, and to cause that dissolution between soul and body, which we have been informed certainly did occur, notwithstanding any opinions or hopes entertained to the contrary by some persons.

The persons who attended upon Deaderick and Hall in the character of physicians, and other transient visiters that were examined in court, and have given us to understand that they thought they were in a sound and rational mood of intellectual conference and qualified for a faithful discharge of the duties enjoined, may have stated what to them appeared to be correct; but, that they have not been sufficiently informed, and consequently authorized by the study of the science referred to, and of experimental observation, to justify the delivery of so unscientific and peremptory opinions, will clearly appear to a court and jury, in support of the opinions now expressed, on reference to the following English, American and German, if not Gallic authorities, or Napoleon authorities, (that might please one of Mr. Breckenridge's tenets better,) the most material of which can be had, and may be read to the court and others in need of those lights to *common sense*, if this statement is not sufficient to guide us in the present inquiry. These books cannot be denied to be of the first character. The authors quoted are Grotius, Bacon, Boerhaave, Ovid's history and remedy of love, Kaimes, Gross, Sydenham, Cullen, Thomas, Edwards, Rush, Ricketson, Chapman, Mitchell, Ewell, Haslam and others; to which we may add that celebrated Roman jurist and physiologist, the apostle of eternal truth, St. Paul; whose works left to our world, exhibit not only proofs of the most sane and active intellectual powers, but such incontrovertible evidence of vigour of mind and strength of *memory*, as to have associated their *Wills* with the control of Deity, in the distribution of such extensive good and of so important legacies among their fellow men; by which they have discharged, as far as was human, the obligations imposed upon man's earthly state, and have exhibited, by the features of their mental transactions, strong claims to omniscience or divine control.

Jalousy, the partial insanity of *Deaderick*, appears from the testimony of his wife, Doctor Sappington and others, as well as by his own letters, to have affected him deeply for many years, with short if any respite; and was often so furious as to impel him to disown his only legitimate son, whose features trace his paternal origin. The same *disease*, it has been stated, preyed upon the superannuated, doting tippler Charles Hall, in a lighter degree, and was very probably the cause of that consequent disarrangement of his mind in all its faculties which prevented him from doing justice to his *wife* and *children*. Under the influence and deranging power of such delirious ideas, constituting maniacal *hallucination* that existed in each of those testators, the necessary evidence of a sound *Will*, respecting the rights of disputed children, could not be exhibited, inasmuch as the operation of

judgment which is involuntary in all sound minds, stimulated by sufficient *memory*, was prevented in those husbands and fathers, who must have been disqualified from moral, rational and correct action on any subject during its control, except those which are the diseased mind's instinctive resort for relief from painful ideas, as the amusements and avocations of cards, chess playing, the dog chase, gambling, intoxication, speculation, epicurean indulgence and military parade. With this strong predisposition of Deaderick to a partial and consequent general mania, occasioned by a course of life becoming a second nature to him, and which seems to have levelled, from the statement of witnesses, the morality of his wife, his neighbours and visitors, with his own licentiousness, how easy was it to one so well acquainted as Robert Searcy must have been with the extent of the intoxicating stimulus of *jealousy* without *cause* or *reason*, upon his friend's mind, to have excited partial insanity and a temporary general disorder and want of tone of the sensorium in the solitary mood of an unfortunate sensualist, to such a degree, (and which was also practicable in the situation of C. Hall, who was told that he was not the father of his minor heirs, and which he believed to be true, when he disinherited them,) as to have prompted him to distrust not only the chastity of his wife, as he had so often done, in opposition to the firm persuasion of all in the neighborhood, but even to have doubted, and disputed in such a transaction, the birthright and filial claims of an only certain and lawful issue; and thus by touching and attuning to his *Will*, the most irritable and controlling chord of the *mental organ* of a zealotype, the whole intellectual machinery might be so untuned and disarranged as to impel the subject thereof, to satiate his spleen and mad resentment against sons and mother, and all dependants of his household, by depriving them of that inheritance which the divine and civil contract of matrimony was designed to secure to the heirs of the faithful; from which compact no power in society can absolve a parent except for reasons which in the above instances could only be discovered by the suspicious heads of drunken, doting, jealous maniacs, and of which groundless suspicions, Deaderick in his temperate mood had confessed himself to be guilty, when his inordinate suspicions of his wife, store boys, his own brother, overseers, and pious men old enough for his wife's father were absent, and ceased to derange him.

Had the manuscript of Searcy been exposed to the mind of Deaderick, either by letting him read it or by reading its contents to him in presence of the witnesses, as seems to have been required by both letter and spirit of the law on this subject, for the wise purpose of affording such witnesses an opportunity of testing the mental faculties of the alleged testator at the time of

signing the same, it is quite probable that a test to detect the suspended or dormant jealousy of this suspicious parent, might have been applied, so as to make visible the force and extent of such partial insanity in exciting general derangement of the mind, and to have ascertained the defect in that *Will*, of a correct operation of judgment, which is not a faculty of mind as Mr. Breckenridge supposes, but an operation. If the Justinian and other statutes on the subject of *Wills* and testaments, did not intend that the subscriber should read or hear it read to him in presence of his witnesses, when it was signed, why has it been required of those witnesses to see each other perform said duty of attesting, while they at the same time also viewed the countenance of the testator? When Hadfield and others, referred to in the unrivalled speech of Erskine, had been on trial for attempting to shoot the King, and for other acts of mania in England, neither the judge, jury nor bar could discover the existence of the derangement; but as soon as the scientific physicians, Symms and Butler, attended and applied that clue which experience had instructed them how to use, the subject was touched, the *mania* of the person charged was made so visible to all present, as to determine the judge to stop the further examination and to discharge the *maniacs*, as unaccountable for the act of *delirium chronicale*.

It is to be remarked, that the two prominent and characteristic symptoms, of at least partial insanity of Deaderick, viz. inordinate suspicion of many persons and antipathy to a man's relatives and benefactors, pointing to deep corporeal and mental disorder, was not known to have subsided before his dissolution; and that such was hereditary, is rendered quite probable, for the reason that he never was heard to express any wish to offer the hand of reconciliation to them nor even desire to see them at his house while confined with his mortal disease; nor did either of the two brothers, who lived near him, call to see him when sick and dying, nor to witness his inhumation; and Mr. N——, a near neighbour of one, has said that it was with some difficulty he prevailed upon that brother, who was his neighbour, to shut his store door on the day of his brother's funeral obsequies. That a subject of such an idiosyncrasy of mind, and with this evidence of its duration to the last breath, was in a condition to do justice to the testamentary transaction, is not probable with those who have reflected upon the great difference between the *Will* left in his own hand writing, in his usual health, and that prepared for him by the pen of Searcy, who had great interest in setting aside the more parental, legal and judicious *devise* of so large an estate, and when a sufficient opportunity was not offered to the disinterested and competent attendants of testing

the soundness of mind and the adequacy of *memory*, by the application of their senses to the index of mind in that subscriber, when the contents of said paper should have been read and adverted to, as required by the statutes on this subject in all civilized and christianized nations, where laws are construed by their spirit, and administered to fulfil their design, and reach the objects of their enactment.

In the instances of D. and H., it does not appear that any mental tests were applied, to show how far their minds were sound or well informed on the subject of their *Wills*, nor how far memory was sufficient, or the other faculties impaired by disease. That some influence was used which counteracted the wishes of Deaderick, was in evidence from some witnesses who stated that he was prevented from setting his negroes free, by advice offered him on his death bed from some dictator, who stood in need of all that he could make out of that estate; and might not the paper presented to him before the witnesses, have been taken for the expression of his wishes on the subject of emancipating and sending away his slaves to another state.

To prepare such subjects for this duty, the predominant passion or emotion should either be abstracted or counteracted by the corrective antidote, before an adjudication of herile claims is permitted to the mental conference about to exhibit a sound *Will* and testament, and is as necessary to enable an unhinged mind to act independently, as to prepare a habitual drunkard for such transaction, by sobriety and a moral lecture. From the well known effects of intemperance in drinking, and which is generally accompanied with the abuse of nicotian banes among the Spaniards, a law was long in force among them, to refuse testimony from those who had been convicted of intoxication.

Abuse of Spirits. While we perceive the ill effects of spirit on the temper of those who use it to excess, in producing peevishness and quarrelsomeness, the moral sense is impaired, which leads to a violation of engagements without remorse. Next the understanding becomes debilitated directly in hard drinkers, who are the more tempted to add to its bad effects, the injury from the use of tobacco, that becomes necessary in those who discover a torpor in the action of mind, even when in their sober states. The memory and other intellectual faculties also show with the corporeal functions a paralytic affection in many persons who are placed in offices for which they have been disqualified by nature, education and a want of capacity for the acquirement of exciting knowledge, and which is calculated above all things to supply the place of demoralizing and corrupting amusements, fraudulent speculations and dissipation of time in cruel sports, &c.

With the history of the cases before us, and invested with the authority of the science but briefly sketched, and prompted by attentive reading of the books quoted, and close personal observation for many years, we cannot resist the conclusion that a husband and parent whose state of mind and condition of body suffer him to forego, in a testamentary operation, the most sacred of all compacts, and which has the Author of all good and the most perfect law for its institution, the subjection of man to moral and religious obligation, in providing for the education and support of his legitimate claimants for its great object, and the best interests of society for its end, must be influenced by the causes of mental disarrangement, and affords strong reasons to suspect himself or his dictators, of infidelity to natural, moral and civil law, as well as disrespect for the bilateral *pact of matrimony*, and for the dictates of uncorrupted common sense; and in the language of that Roman prodigy of learning and virtue, who has confessed when he would do good, he has often found present with him, an evil prompter in his *Will*, at war against the cause referred to, "he that provideth not for his own household is worse disordered than the infidel," and as much disqualified by the laws of moral and civil society from the testamentary transaction; and points to the evidence of his claim on the faithful minister of sound law for the due exercise of their *capacity* and *authority* to disburse his estate legally and equitably among his heirs and household, after payment of other debts, by which his property may have been increased, or lawful obligations incurred by his contracts in society.

Note. As an additional exemplification of the power and extensive influence of jealousy over all the faculties of unbalanced mind, when acting on congenite predisposition, increased by licentious practice and corrupting habits feeding exuberance of passions, our unfortunate state has been presented with the recent instance of the late *misnamed Executive* of our laws; and which affords a most instructing lesson to all who read, observe, reflect and understand, and can be profited by the baleful experience of the woeful consequence that may follow the want of moral and intellectual weight in domestic and municipal government. This devoted Jacksonized hero, statesman and victim to inordinate suspicion, has bid adieu to Tennessee civilization, and is in pursuit of relief, through voluntary exile among savages of more liberty and less attachment to laws; and seeking to be made the adopted son and heir, his confidants say, of an old Indian Cherokee on *Arkansas*, after being characterized in the observant eye, for several years, by his personal *costume* and *designative habits* and *predilections*, (of Randolph aping perhaps,) and which changed with his situation and prospects from popular mutation, and the illusions of *sensorial excitement* and *collapse*. At one

time appearing in full martial habiliments, in peace and plenty, (except the progressive advances of democratic rage,) at another time, and on other occasions, in plain domestic clothing of a country farmer. One while, in his white fringed, blue hunting shirt, Indian mockasons, beaded garters, belt and dirk, with his mustaches and whiskers to the corners of the mouth, and thus attired often in a Methodist meeting house on Sundays. At another time, in the finest imported vestments, under dandy hat and fashion, stripped of his shallow crowned, broad brimmed Quaker fur hat. But, uniformly elated by his *nicotian bolus* and opiate phillip, while enveloped in intoxicating fumes, among his sovereign people of Duff Greene training. Could such a being be possessed of a sound state of intellectual functions at any time, and capacity for correct judgment on any subject, except the art of wielding his pistol, segar and cards *a la mode Spaniol*, for his tranquilization, and be qualified to represent a polished, intelligent and christianized people, in any department of the operation of government? Truth avers not, under such predilections. What then, on adverting to his other blunders under influence of the politico-military disorder of the times, and spread by the trumpeters of Van Buren, Calhoun, Berrien, M'Duffie and the Napoleon Livingston, of Porcupine portraite, must be thought, of the *vox populi* of those voters, or rather abusers of the right of free suffrage in Tennessee, who are not inclined and prompted by the experience weekly transmitted us of their *marker* at Washington City, to confess with shame and contrition in their abused churches and camp meetings, their sad mistake if not sin, in preferring, with reference to the solemnity of the *elective franchise* of *sound minds*, such impostors for legislators, rational and parental rulers, and as examples, to the rising youth in this extending *republic*, of the philanthropic of every name and nation, associated with the *divine cause* of our Washingtons, Adams', Jeffersons and Lees; and when now furnished in the *case* of S. H., with the crowning evidence of con-nate disorganization, under the control of zealotypia furiosa in his phrenary departments, without colour for suspicion of in chastity in a deceived, virtuous and respectable daughter of a worthy family; and prompting his judgment, simulated by morbid imagination and infuriated passions, paralysing the faculties of reason, understanding and moral powers in the citadel of mind, to see what no one else could perceive, hear, conceive of, or believe to exist, but in the *spectre* of his *hallucination*, and in the suspicions of such minds as the accusers of Adams and Clay—as to moral or corporeal disease in her—who, preturbed by the seducing influence of the *epidemic military phrensy*, might blindly err, like thousands of voters in this empire of Jacksonism. *Sic transit gloria Radicalismi et reformæ cum erroribus multitudinis infimi*; and so, it is hoped, shall soon pass by us, and be transposed to posthumous expurgation, all the militia maniacs and political empiricks of Duff Greene, Van Buren and Co., from a sorely oppressed nation; as the penitent and reclaimed, even among our modern rip-raps, may yet be restored to the exercise of reason and

consciousness, and to meet the rod of correction on their road to the public treasury, in making the atonement by which a suffering atheistic French nation has entered upon their present tranquilized state, under symptoms of a returning sense of moral and religious obligation; after being delivered, by the strongest throes, of the anarchy of their satanic *chieftain* of bloody buoy biography; for Bonaparte on the rock of Ellen, in sore penance, did live to feel, through mercy, the necessity of the ameliorating religion of Nature's God, and listened, in penitentiary silence, to the voice of *conscience* and *reason*. Let their second best Jackson General, and all such Governors pass on too, to the mines of St. Antoine, or the wild forests of Rocky Mountains, covered with the laurels and praises of their admiring prototype and compatriots, to be followed soon by *le militaire pour la politique* enragees, in pursuit of Calvin Smith, bearing on their foreheads the evidence of our humane laws, to live out the measure of their days of penitence; and to share the full liberty of a wandering ancient Cain, and that modern murderer of a Brother Hamilton, the branded Aaron Burr, of Long Island and Clover Bottom renown; to meet also the frowns and reproaches of living physiognomists and craniologists. What a contrast between such an object of the popular idolatry of this day of S — H — and Co., and the big wigged and long gowned statesmen and jurisconsults of Europe, strictured some short time since in the opinion of our military judges, and reported by Martin and Yerger; one of whom has very lately disclosed in his eccentric newspaper dictatorial council to the legislature, such outrage against the extortion of bankers, exchange clubs, clerks, constables and usurers, as to commit a flagrant dereliction of the duties of a judge of his experience and grade, by leaving his post to write in the newspapers, with all his heart and force of pen, in recommending the destruction of a long established credit system; while he will not interrupt, by his decisions, attorneys of the bar, for taxing their deceived clients with the most heavy fees, and even champerty extortion, and which have been prohibited by the wisest and most political statutes of time immemorial!!! (See Martin and Yerger's Reports, for Crabb and Catron's construction of the *statute* for regulating the practice of *attorneys* and *medicasters*, all over the civilized world.)

How many more "of those great minded men," (say some of our judges,) are to be transferred from the *militia roll* of Tennessee, by our jurists and constitutionalists, to the Washington *drilling turf*, before a full escort is made up for the late Greek orator, to occupy the stopping place of *le grand Empereur pour la politique militaire* of the Gallic Directory of atheists and *sans culottes*.



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