NINTH DAY.

On the opening of the Court yesterday, at the usual hour, the argument on the admissibility of the written confession of Mrs. Sickles as evidence was resumed.

Mr. Carlisle, who, in the first place, invited the attention of the Court to the purpose for which the evidence was offered; for he submitted that, if it should turn out upon full argument that the evidence was admissible for a special and limited purpose, it was of the first importance—an importance going to the extent of reaching the question whether the prisoner should be some a counterpoise sham—that his honor, in admitting the evidence for that special and limited purpose, should specially define it, and restrict the jury to those purposes and uses. It seemed to him that there was not entire concord between the learned counsel who had been heard upon the question, because the former seemed to assume in respect to the purposes for which the evidence was offered and was supposed to be admissible. The learned counsel (Mr. Graham) had stated that the evidence offered is as a communication to the prisoner, affecting the question of the *status* of his mind and not in proof of the facts as stated. He (Mr. Carlisle) represented on the other, or contrary, ground, that it was to the legal mind, and it was to that point alone that the argument of the District Attorney was addressed. In the argument of the other counsel for the defence (Mr. Graham) it had been stated, under cover of that strictly legal proposition, he meant to maintain, as properly within its limits, that the fact appealed to was a fact conducing to the proof of the ascertainment of the state of the prisoner's feelings anterior to and at the time of the homicide; that it was evidence tending to show the mental state of the prisoner, as the "affective department of the mind." Nor was the learned counsel content with that, but he claimed that the fact proposed to be proved was one of those facts, to show the irresistible impulse under which the prisoner moved forward to the consummation of the crime. It was, he (Mr. Carlisle) thought, contended that this fact was admissible as tending to show something short of insanity in respect of the *status* of the prisoner's mind, and he thought that the learned counsel had rested the offer of this evidence and the offer of evidence in certain cases to prove that the prisoner was in a state of drunkenness, and had referred to Greenleaf and to a case in New York, in which it was held that evidence of the fact of drunkenness had long been admitted for the purpose of inquiring into the existence or non-existence of an intent which was inconsistent with the condition of drunkenness. The learned counsel (Mr. Graham) had the Court, in a charming figure of speech, said, that as you might prove that a person had "quaffed the intoxicating bowl"—which meant had drank liquor, [laughter]—so, in this case, they might prove that the prisoner "drained to the dregs" a bitter cup, filled with all the bitterness that human nature is susceptible of. This was rhetoric, admirable as it, but was it argument on the question of law? Was it, he asked, evidence of the fact of drunkenness had long been admitted for the purpose of inquiring into the existence or non-existence of an intent which was inconsistent with the condition of drunkenness. The learned counsel (Mr. Graham) had the Court, in a charming figure of speech, said,