

mony so far as regards the general condition of the plaintiff's mind.

In relation to the epoch of the execution of the deed of the 15th of June, 1824, the proceedings and the proofs are more distinct and particular. It is stated and admitted, that the plaintiff was subject to attacks of erysipelas, and was suffering under that disorder when the instrument of writing, which is the special subject of this controversy, was executed. From good medical authority we learn, that erysipelas is often preceded, or attended, or succeeded by delirium; that it is apt to affect the brain; and \* that the inflammation or oppression of the brain is known either, by delirium with a quick pulse; or by stupor and **394** slow respiration with a slow pulse. And that sometimes, when the delirium is not complete, a new face, and louder voice will stimulate the patient to attend for a few moments, and then he relapses. But glaring light, loud noises, and company increase the irritation and aggravate the delirium. 2 *Zoonomia*, Cl. 2, 1, 3, 2; *Rees' Cyclo. ver. Delirium*.

It appears from the testimony, that the plaintiff had been attacked with the erysipelas some days before the 15th of June, 1824; that one of the attending physicians was informed by the family, that the disorder of the plaintiff was a periodical one, and generally came on about eight o'clock in the morning. Dr. Marsh says, that during the paroxysms, there was always a determination towards apoplexy. Dr. Griffith visited the plaintiff on the 14th of June, (he thinks in the afternoon,) she then complained a good deal of her head, but was rational. The Doctor perceived no disarray of intellect; and he thinks she was at that time sufficiently possessed of her faculties to make a contract or dispose of her property. But after the Doctor left her, and in the evening of the same day, she was delirious; or as the witnesses says, out of her head; and her mind was entirely gone; that when roused she would speak incoherently and then sleep again; insensible to any thing that passed; that there was some company in the plaintiff's room, who were removed lest their conversation and noise should disturb or injure her.

About sunrise of the morning of the 15th of June, the defendant came into the chamber of the plaintiff, and with a great noise hoisted the windows, threw open the shutters, and let into the room a strong light; which however did not arouse the plaintiff, who had lain the whole night, and then was in a state of apparent preternatural sleep; insomuch so, that she did not notice an attendant, who, after the windows had been thus noisily opened, felt her forehead and took hold of her hand. Immediately after which the defendant was left alone in the room with the plaintiff thus abed. What passed, if any thing, while these parties were so left together in the same room, does not appear. But in a short time