

ney-General v. Parnther, 3 Bro. C. C. 441. In cases of this sort, the evidence of medical men is, in general, produced; and, in proportion to the great improvements in that branch of science, such evidence is now more than ever to be relied upon. *Sherwood v. Sanderson*, 19 Ves. 286; 1 *Pari. & Fonb.* 315; *Shelf. Lun.* 70. I therefore deem it a sufficient answer to this argument, derived from considerations of public policy, to deny the truth of the fact upon which it is based; and to rely upon the circumstance, that if there ever had been any such foundation for it, we should not, at this day, be at a loss to find any clear evidence of those facts in any foreign Code, or in the *innumerable English reported adjudications in relation to the subject of insanity.

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It is admitted, that many of the wise and sound maxims of the law are founded on considerations of public policy. But it by no means follows, that they are each of them similar and in principle alike; or that they do, in any respect, sustain each other by analogy. Upon considerations of public policy, the law will not permit the verity of certain public acts and judicial records to be called in question; but the foundation of that rule, it is evident, is very different; indeed it is admitted to be directly contrary from that of this maxim, in relation to contracts. 1 *Pow. Cont.* 22.

Upon the whole, I am clearly of opinion, that this English rule, which declares, that a man shall not stultify himself by his own plea, never has been, and ought not to be considered as a part of the law of Maryland. And having thus disposed of this preliminary point, upon the determination of which the nature of the further investigation of this case so essentially depended, I feel myself now at liberty to take every view of it which the pleadings and proof will warrant; and to dispose of it upon the established rules of equity, and the broad principles of natural justice: and shall proceed accordingly.

Before I go into an examination of the proofs, it seems to be proper that something should be said respecting the general nature of insanity, or that unsound condition of the human mind, to which so large a portion of the testimony relates; and, upon a just conception of which infirmity, a correct determination of this case so mainly depends. "Madness," says Sir William Scott, "is a state of mind not easily reducible to correct definition, since it is the disorder of that faculty with which we are little acquainted; for all the study of mankind has made but a very moderate progress in investigating the texture of the mind, even in a sound state. In disease, where it has pleased the Almighty to envelope the subject-matter in the darkness of disease, it will probably always continue so; but the effects of this disordered state are pretty well known. We learn from experience and observation all that we can know, and we see that madness may subsist in various degrees, sometimes slight, as partaking rather of disposition or