joint rate-supported asylums. This system would prove more economical than the present plan of keeping them in lunatic asylums--the very worst place for them. A great many of the most trainable cases in institutions belong to what I might call the class of moral imbeciles, and if they are allowed to go at large they are liable to degenerate into the criminal classes. However, on speaking to Mr. Justice Day, when he visited our asylum, on the question of weak-mindedness in connection with criminality, he said that his experience was that imbeciles do not form a large contingent of the criminal classes, but that criminals, as a rule, are rather above than below the average in mental capacity.

Dr. NOLAN—I quite agree with the observation of Dr. Telford Smith, that after a period in the reformatory the patient should not be allowed to be transferred to a lunatic asylum. In this country there is a very large number of institutions, industrial schools, male and female orphanages, penitentiaries, etc., which, if modified, would meet the wants of this class. I don't think that the erection of a building to house every class of degenerates would be desirable or necessary; but at present we have the material which might meet the wants that Dr. Morel has indicated.

Dr. HACK TUKE—Much has been said on the subject of weak-minded children and their going out into the community, improved and more or less able to earn their own living. Well, in regard to this, it may be thought very pessimistic on my part, but I confess that I look with the greatest apprehension on the influence on the community of these discharged and improved children. I fear that the result will be the propagation of still more weak-mindedness. I am on the Committee Dr. Beach has referred to, and in regard to scholars who have a great strain put upon them in order to reach the ordinary standards, I have great sympathy with them, and I have tried to get them into these auxiliary schools mentioned by Dr. Beach. At the same time, I must confess that the condition of things is alarming for the descendants of these scholars.

The Necessity for Legislation rê *Suicide.*

By S. A. K. STRAHAN, M.D., L.R.C.P., F.S.S., Barrister-at-Law, Senior Assistant Medical Officer, County Asylum, Northampton.

(*Abstract.*)*

Up to the end of the sixteenth century the body of the suicide was treated with barbarous cruelty. This was the outcome of the canon law rather than the civil law, and the Church still clings to a belief in the efficacy of old-time procedure. Only the other day (February, 1894) the Archbishop of Canterbury said that "the increase of suicide is largely due to the now almost universal verdict of temporary insanity given at coroners' inquests;" and he further referred to the burial of suicides in consecrated ground with

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former practices. The sole disability under which a suicide now lies is that which he suffers at the hands of the Church, and it is to enable him to escape that that coroners' juries deliberately perjure themselves by finding verdicts of temporary insanity where there is not a tittle of evidence to support such verdicts.

Early in the seventeenth century the custom of burying the body of a suicide at the cross roads and driving a stake through it replaced the greater indignities of the past, and as late as 1823 a suicide called Griffiths was thus interred.

In 1823 the law was amended by the passing of 4 George IV., c. 52, wherein it was enacted that the body of the suicide should be buried privately in any churchyard or cemetery between the hours of nine and twelve at night without any religious rites. This remained the law up till 1882, when by the passing of further Acts of Parliament it was provided that the suicide might be buried at ordinary hours, either silently or with any such orderly or Christian service at the grave as the person in charge of the body might think fit. By these Acts the last remnant of active indignity towards the body of the suicide was swept away, but the Church still refuses the *felo-de-se* the "benefit of clergy."

Let us now briefly look at the criminal law as it relates to the suicidal act, and we shall then be in a position to consider the proposed reforms.

In England the Roman system of confiscation of property was adopted, as it was later in France and several other States. In the time of Henry III. all the property of the suicide, real and personal, escheated to the Crown or to the Lord of the Manor; but so far as real property was concerned the law soon fell into disuse, and confiscation of the personal estate was the sole civil penalty. This remained the law up till 1870, when all forfeitures for felony were abolished; but for years before the repeal of the law, forfeiture was seldom exacted in the case of those guilty of the felony of self-destruction.

In England, according to the criminal law, suicide is on the same footing as murder. If two persons agree to commit suicide together, and only one succeeds, the other is held guilty of murder. He who aids or abets the successful

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is far from representing the spirit in which the law is administered. This law is openly set at defiance daily by judges, juries, and public opinion. Only the other day a well-known and highly-respected literary man, who was on the brink of death from incurable disease, put a termination to his sufferings by shooting himself. His wife, who was devoted to him, and who was present when he committed the act, was asked whether she could have prevented it. Her answer was that she could, but that she would have considered herself a contemptible coward had she done so. She further stated that at his request she removed his false teeth preparatory to his shooting himself through the palate.

As the law stands this lady should have been indicted for murder, but it is hardly necessary to say that no such step was attempted.

To say, as the law does, that suicide and murder are equally grave offences against society is absurd, and that they are even nominally held to be so depends upon the fact that the law is never called upon to apportion punishment to the suicide. If murder and suicide are equal, then attempted murder and attempted suicide are also equal, but such is by no means the case. Attempted murder is a felony, triable only before a judge of the High Court, and punishable with penal servitude for life; whereas attempted suicide is only a misdemeanour, is triable at Quarter Sessions, and the maximum penalty is two years' penal servitude.

Attempts at murder are always treated, as they should be, as most grave offences; but attempts at suicide are daily treated as if they were of no importance whatever. Even when the trouble is taken to convict, which is very rarely, the sentences pronounced upon would-be suicides are, in nearly every case, as light as the Court can inflict without absolutely abandoning the position taken up. It is true that an attempt is still made, by the infliction of light penalties in rare cases, to support the idea that attempted suicide is an offence against society; but the attempt is of the most feeble and half-hearted character, and does more to discredit the honesty of the law than any other course which could be pursued. The fact is, judges and magistrates feel that

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One is to sweep away all legislation upon the subject, so far as it relates to the individual himself. In other words, to consider suicide no longer a crime, and to ignore attempts thereat. *The other is, to enact that all attempts at suicide, whether successful or not, be in themselves conclusive evidence of dangerous insanity, and sufficient grounds for detention in a lunatic asylum.*

The first would be the more just and sensible course, and will doubtless be adopted ultimately. It would be infinitely better in every way to make attempted suicide legal than to call it a crime and let it go unpunished in ninety-nine out of every hundred cases. It may be thought by some that this course would tend to largely increase self-destruction, but there are no grounds whatever for such belief. The would-be suicide attacks his life with the intention and hope of carrying the attempt to a successful issue; and the knowledge that he will be punished if unsuccessful can only have the effect of spurring him on to more desperate and determined efforts to succeed. Sir James Fitzjames Stephen has expressed himself upon this point; but, strange to say, he has arrived at a decision illogical and altogether bad. He says: "It would be better to cease to regard it [suicide] as a crime, and to provide that anyone who attempted to kill himself . . . should be liable to secondary punishment."

With the first principle here expressed I heartily agree; for I do not believe that calling suicide a crime has ever stayed the hand raised against its owner's life, and the law can never hope to punish a single offender. I cannot, however, agree with the second part of the learned judge's opinion. If suicide be no longer a crime, how can an attempt to commit it be held to be one?

To partially perform a legal act, with the full intention of completing it, cannot possibly be a crime. So long as attempted suicide is called a crime, the completed act must also be a crime. To frame the law as Sir James suggests would merely put a still higher premium than at present upon the successful completion of the suicidal act. The unsuccessful attempt would entail both punishment and disgrace, whereas success would mean complete escape from both. From the dishonour which is now supposed to attach

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would be more beneficial to society. If all attempts at suicide, successful and otherwise, were in themselves good and sufficient evidence of dangerous insanity, many benefits would arise. In the first place, the strain upon the consciences of the clergy, to which the Archbishop referred, would be removed, and the sorrowing relatives of the suicide would in all cases have within call such consolation as the Christian burial of their dead might give. In the next place, there would be no necessity for thousands of men to perjure themselves every year, as there seems to be at present. But the greatest benefit would arise in cases of unsuccessful attempts at self-destruction. In all these cases the individual could be sent at once to the nearest lunatic asylum, where he, or she, would receive every care and attention, and the medical treatment required. This would certainly be much more rational and humane than the present system of locking would-be suicides in prison cells, where they not infrequently succeed in accomplishing the very act for which they have been imprisoned.

As a deterrent and as a stimulant relegation to the asylum would have exactly the same effect that committal to prison has at present—that is, it would have no deterrent effect whatever, and it would be effectual in insuring a large percentage of success among those attempting their lives.

On all these grounds, and on several others of minor importance which I need not here specify, I would strongly advocate the last-mentioned reform, viz., that it be enacted that all attempts at suicide, whether successful or not, be good and sufficient legal evidence of insanity; and, in unsuccessful cases, of insanity requiring immediate relegation to a lunatic asylum.

Criminal Responsibility of the Insane. By OSCAR WOODS, B.A., M.D. (Dublin), Medical Superintendent, Cork Asylum.

Many of those now present will probably agree with me that the law of criminal responsibility, as at present laid

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