them invariably appearances which we soon recognised to be artificial; but when we came to use chromic acid these were not observable, nor were the appearances presented in any way uniform. If I am wrong in imputing to Dr. Savage the implication that miliary sclerosis, colloid and amyloid degeneration as described by Professor Rutherford, myself, and others, are not due to disease, but to artificial production, I have nothing more to say; but I think that any one who reads the abstract of this paper will not think me hasty in supposing that some doubt was thrown on the accuracy of our observations. If he does not deny the implication, I am quite prepared to submit a series of preparations to a jury, leaving them to decide the question between us. Under any circumstances, I think it would have been better if Dr. Savage, before reading his paper, had studied my preparations alongside of his own.

The CHAIRMAN—With reference to Dr. Tuke's observations, I may state that I was present at the Congress when Dr. Savage read his paper. My impression was that the argument went to show that appearances resembling many so-called lesions of the brain might be produced by the spirits of wine used in the preparation of the specimens, and that the object of the paper was to warn young pathologists against mistaking changes produced by alcohol and re-agents for morbid processes. The paper did not certainly appear to me to be any attack on the views of distinguished pathologists like Dr. Tuke and Professor Rutherford.

Dr. YELLOWLEES—I have listened to Dr. Mitchell's paper with pleasure, and shall read it with still greater interest. I do not say that the case is certainly one of general paralysis, although it presents many symptoms that might lead to that conclusion. I do not attach much importance to the absence of grandiose ideas, for we often see cases of general paralysis without them.

Dr. MITCHELL—I am not surprised that many present are not decided as to the case being one of general paralysis. I think, with Dr. Tuke, that it would be more accurately described as a case of endo-arteritis and aphasia.

(The proposed Statistical Tables were then discussed, and various amendments *adopted for the consideration of the English Statistical Committee.)*

GUITEAU'S TRIAL.

THE SUMMING UP OF JUDGE COX.

The indictment charged the defendant with having murdered James A. Garfield, and it was the duty of the court to explain the nature of the crime charged. Murder was committed when a person of sound memory and discretion unlawfully killed a reasonable being, in the peace of the United States, with malice aforethought. It had to be proved, first, that the death was caused by the act of the accused; and, further, that it was caused with malice aforethought. That did not mean, however, that the Government had to prove any ill-will or hatred on the part of the accused toward the deceased. Wherever a homicide was shown to have been committed without lawful authority and with deliberate intent, it was sufficiently proved to have been done with malice aforethought; and malice was not disproved by showing that the accused had no personal ill-will to the deceased, and that he killed him from other motives—as, for instance, robbery or through mistaking him for another, or, as claimed in this case, to produce a public benefit. If it could be shown that the killing occurred in a heat of passion or under provocation, then it would appear that there was no premeditated attempt, and, therefore, no malice aforethought, and that would reduce the crime to manslaughter. It was hardly necessary, however, to say that there was nothing of that kind in the present case. The jury would have to say either that the defendant was guilty of murder or that he was innocent. In order to constitute the crime of murder the assassin must have a reasonably sane mind. In technical terms, he must be "of sound mind, memory, and discretion." An irresponsibly insane man could not commit murder. If he was labouring under a disease of the mental faculties to such an extent that he did not know what he was doing, or did not know it was wrong, then he was wanting in that sound mind, memory, and discretion that was a part of the definition of murder. In the next place, every defendant was presumed innocent until the accusation against him was established by proof. In the next place, notwithstanding this presumption of innocence, it was equally true that a defendant was presumed to be sane and to have been so at the time the crime was committed; that is to say, that the Government was not bound to show affirmatively, as a part of its proofs,

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that the defendant was sane. As insanity was the exception, and as the majority of men are sane, the law presumed the latter condition of every man until some reason was shown to believe to the contrary. The burden was, therefore, on the defendant, who set up insanity as an excuse for crime, to produce proofs in the first instance to show that that presumption was mistaken so far as it related to the prisoner. Crime, therefore, involved three elements—the killing, malice, and a responsible mind in the murderer.

After all the evidence was before the jury, if the jury, while bearing in mind both those presumptions (that is, that the defendant is innocent till he is proved guilty, and that he is sane till the contrary appears), still entertained what is called a reasonable doubt on any ground, or as to any of the essential elements of the crime, then the defendant was entitled to the benefit of that doubt and to an acquittal. It was important to explain to the jury here, in the best way that the court could, what is a reasonable doubt. He could hardly venture to give an exact definition of the term, for he did not know of any successful attempt to do so. As to questions relating to human affairs, a knowledge of which is derived from testimony, it was impossible to have the same kind of certainty that is created by scientific demonstration. The only certainty that the jury could have was a moral certainty, depending on the confidence which the jury had in the integrity of witnesses and in their capacity and opportunity to know the truth. If, for example, facts not improbable in themselves were attested by numerous witnesses, credible and uncontradicted, and who had every opportunity to know the truth, a reasonable or moral certainty would be inspired by that testimony. In such a case doubt would be unreasonable or imaginary or speculative. It ought not to be a doubt as to whether the party might not be innocent in the face of strong proofs of his guilt, but it must be a sincere doubt whether he had been proved guilty. Even where the testimony was contradictory, and where so much more credit should be given to one side than the other, the same result might be produced. On the other hand, the opposing proofs might be so balanced that the jury might justly doubt on which side, under all the circumstances, the truth lay, and in such case the accused party was entitled to the benefit of the doubt. All that a jury could be expected to do was to be reasonably and morally certain of the facts which they declared to be their verdict.

With reference to the evidence in this case very little comment was required by the court, except upon one question, the others being hardly matters of dispute. That the defendant fired at, and shot, the deceased President was abundantly proved; that the wound was fatal had been testified to by the surgeons, who were competent to speak, and they were uncontradicted; that the homicide was committed with malice aforethought (if the defendant were capable of criminal intent or malice) could hardly be gainsaid. It was not necessary to prove that any special or express hatred or malice was entertained by the accused toward the deceased. It was sufficient to prove that the act was done by deliberate intent, as distinct from an act done under a certain impulse in the heat of blood and without previous malice. Evidence had been exhibited to the jury tending to show that the defendant admitted in his own handwriting that he had conceived the idea of "removing the President," as he called it, six months before the shooting; that he had deliberated upon it and come to the determination to do it; and that about two weeks before he accomplished it he stationed himself at certain points to do the act, but for some reason was prevented. His preparation for it by the purchase of a pistol had been shown. All these facts came up to the full measure of the proof required to establish what the law denominated malice aforethought.

The jury would find little difficulty in reaching a conclusion as to all the elements that made up the crime charged in the indictment, except it might be as to the one of sound mind, memory, and discretion, but that was only a technical expression for a responsible, sane man. He now approached that difficult question. He had already said that a man who is insane in the sense that makes him irresponsible cannot commit a crime. The defence of insanity had been so abused as to be brought into great discredit. It was the last resort in cases of unquestioned guilt. It had been an excuse for juries to bring in a verdict of acquittal when there was a public sympathy for the accused, and especially where there was provocation for the homicide according to public sentiment, but not according to law. For that reason the defence of insanity was viewed with disfavour, and public sentiment was hostile to it. Nevertheless, if insanity were established to a degree necessary it was a perfect defence for an indictment for murder, and must be allowed full weight. It would be observed that in this case there was no trouble with any question about what might be called total insanity, such as raving mania or absolute imbecility, in which all exercise of reason is wanting, and where there is no recognition of persons or things or their relations. But there was a debatable border line between sanity and insanity, and there was often great difficulty in determining on which side of this line a party was to be put. There were cases in which a man's mental faculties generally seemed to be in full vigour, but where on one single subject he seemed to be deranged. A man was possessed, perhaps, by a belief of something absurd which he could not be reasoned out of (what was called an insane delusion), or he might have some morbid propensity, seemingly in harsh discord with the rest of his intellectual and moral nature. Those were cases which, for want of a better term, were called partial insanity. Sometimes its existence and sometimes its limits were doubtful and indefinable, and in those cases it was difficult to determine whether the patient had passed the line of moral or legal accountability for his actions.

The jury would bear in mind that a man did not become irresponsible by the mere fact of his being partially insane. Such a man did not take leave of his passions by becoming

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insane. He might retain as much control over them as in health. He might commit offences, too, with which his infirmity had nothing to do. He might be sane as to the crime he committed, might understand its nature, and might be governed by the same motives in relation to it as other people, while on other subjects having no relation whatever to the crime he might be the victim of delusion. Whenever this partial insanity was relied on as a defence it must appear that the crime charged was a product of the delusion or other morbid condition, and connected with it as effect with cause, and that it was not the result of sane reasoning which the party might be capable of, notwithstanding his limited and circumscribed disorder. Assuming that that infirmity of mind had a direct influence on crime, the difficulty was to fix the character of the disorder which fixed responsibility or irresponsibility in law. The outgoings of the judicial mind on that subject had not been always entirely satisfactory nor in harmony with the conclusions of medical science. Courts had, in former times, passed upon the law in regard to insanity without regard to the medical aspect of the subject; but it would be only properly dealt with by a concurrence of harmonious treatment between the two sciences of law and medicine. The courts had therefore adopted and again discarded one theory after another in the effort to find some common ground on which to stand, and his effort would be to give to the jury the results most commonly accepted by the courts.

It would be well to say a word to the jury as to the kind of evidence to which courts and juries were guided in this difficult and delicate inquiry. That subtle essence called mind defied, of course, ocular inspection. It could only be known by its manifestations. The test was as to whether the conduct of the man and his thoughts and emotions conformed with those of persons of sound mind, or whether they contrasted harshly with it. By that a judgment was formed as to a man's soundness of mind; and for that reason evidence was admissible to show conduct and language that would indicate to the general mind some morbid condition of the intellectual powers. Everything relating to his mental and physical history was, therefore, relevant, because any conclusion on the subject must often rest on a large number of facts; and letters, spontaneously written, afforded one of the best indications of mental condition. Evidence of insanity in the parents was always pertinent, but juries were never allowed to infer insanity of the accused from the mere fact of its existence in the ancestors. When, however, there was evidence tending to show insane conduct on the part of the accused, evidence of insanity in the ancestors was admissible as corroborative of the others. Therefore it was that in this case the defence had been allowed to introduce evidence covering the whole life of the accused and reaching also his family antecedents. In a case so full of detail he should deem it to be his duty to call the attention of the jury to particular parts of it, but he wished the jury distinctly to understand that it was their province, and not his, to decide upon the facts; and if he at any time seemed to express or intimate any opinion on the facts (which he did not design to do), it would not be binding on them, but they must draw their own conclusions from the evidence.

The instructions which he had already given to the jury imported that the true test of criminal responsibility, where the defence of insanity was interposed, was whether the accused had sufficient use of his reason to understand the nature of the act with which he was charged, and to understand that it was wrong for him to commit it. If those were the facts, he was criminally responsible for the act whatever peculiarities might be shown of him in other respects. On the other hand, if his reason were so defective, in consequence of brain disease, that he could not understand what he was doing, or could not understand that what he was doing was wrong, he ought to be treated as an irresponsible lunatic. As the law assumed every one at the outset to be sane and responsible, the question was, What was there in this case to show the contrary as to this defendant? A jury was not warranted in inferring that a man was insane from the mere fact of his committing a crime, or from the enormity of the crime, because the law presumes that there is a bad motive, and that the crime was prompted by malice if nothing else appears. Perhaps the easiest way for the jury to examine into the subject was, first to satisfy themselves about the condition of the prisoner's mind for a reasonable period of time before any conception of the assassination had entered it, and also at the present time, and then consider what evidence exists as to a different condition of mind at the time of the commission of the act. He should not spend any time on the first question, because to examine it at all would require a review of the evidence relating to over twenty years of the prisoner's life, and this had been so exhaustively discussed by counsel that anything he could say would be a wearisome repetition. It was enough to say that on the one side this evidence was supposed to show a chronic condition of insanity before the crime, and on the other side, to show an exceptionally quick intelligence and decided powers of discrimination. The jury would have to draw its own conclusions. Was the prisoner's ordinary, permanent, chronic condition of mind such that he was unable to understand the nature of his actions and to distinguish between right and wrong in his conduct? Was he subject all the time to insane delusions, which destroyed his power so to distinguish, and did those continue down to and embrace the act for which he is on trial? If so, he was simply an irresponsible lunatic. On the other hand, had he the ordinary intelligence of sound people, so that he could distinguish between right and wrong as to his actions? If another person had committed the assassination, would the prisoner have appreciated the wickedness of it? Would he have understood the character of the act and its wrongfulness if another person had suggested it to him? The jury must consider these questions in their own mind. If the jury were satisfied that his ordinary and chronic condition was that of sanity—at least, so far that he knew the character of his own actions and how far they were right or wrong—and that he was not under any permanent insane delusion which destroyed his power of discriminating between

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right and wrong, then the remaining inquiry was whether there was any special insanity connected with this crime. It would be seen that the reliance of the defence was the existence of an insane delusion in the prisoner's mind which so perverted his reason as to incapacitate him from perceiving the difference between right and wrong as to this particular act.

After referring to McNaughten's case, Judge Cox went on to say that the subject of insane delusion played an important part in this case, and demanded careful consideration. The subject was treated to a limited extent in judicial decisions, but more was learned about it in works of medical jurisprudence and from expert testimony. Sane people were sometimes said to have delusions proceeding from temporary disorders and from mistakes in the senses. Sometimes they speculated on matters beyond the scope of human knowledge, but delusions in sane people were always susceptible of being corrected and removed by evidence and argument. On the contrary, insane delusions, according to all testimony, were unreasonable and incorrigible. Those who had them believed in the existence of facts which were either impossible absolutely or impossible at least under the circumstances of the individual. A man might, with no reason for it, believe that another was plotting against his life, or that he himself was the owner of untold wealth, or that he had invented something which would revolutionize the world, or that he was the President of the United States, or Christ, or God, or that he was inspired by God to do a certain act, or that he had a glass limb, and these were causes of insane delusion. Generally the delusion centred around the patient himself, his rights or his wrongs. It came and went independently of the exercise of will and reason, like the phantom of a dream. It was, in fact, the waking dream of the insane, in which ideas presented themselves to the mind as real facts. The most certain thing was that an insane delusion was never the result of reasoning and reflection, was not generated by them, could not be dispelled by them. A man might reason himself, or be reasoned by others, into absurd opinions, and be persuaded into impracticable schemes, but he could not be reasoned or persuaded into insanity or insane delusions. Whenever evidence was found of an insane delusion it was found that the insane delusion did not relate to mere sentiment and theory, or abstract questions in laws, politics, or religion. All these were subjects of opinions, and were founded on reasoning and reflection. Such opinions were often absurd in the extreme. Some people believed in animal magnetism, in spiritualism, and other like matters in a degree which seemed absurd to other people. There was no absurdity in regard to religious, political, and social questions that had not its sincere supporters. Those opinions might arise from natural weakness, bad reasoning powers, ignorance of men and things, fraudulent imposture, and often from perverted moral sentiment; but still they were opinions founded on some kind of evidence and liable to be abandoned on better information or on sounder reasoning, but they were not insane delusions. An insane delusion was the coinage of a diseased brain, which defies reason and ridicule, and throws into disorder all the springs of human action.

Before asking the jury to apply these considerations to the facts in this case, he wished to premise one or two things. The question for the jury to determine was, What was the condition of the prisoner's mind at the time this project was executed? If he were sufficiently sane then to be responsible, it mattered not what might have been his condition before or after. Still, evidence had been properly admitted as to his previous and subsequent condition because it threw light, prospectively and retrospectively, on his condition at the time. Inasmuch as these disorders were of gradual growth and of indefinite continuance, if he were insane shortly before or shortly after the commission of the crime, it was natural to infer that he was so at the time; but still all the evidence must centre round the time when the deed was done.

The jury had heard a good deal of evidence respecting the peculiarities of the prisoner through a long period of time before this occurrence, and it was claimed on the part of the defence that he was during all that time subject to delusions that were calculated to disturb his reason and throw it off its balance. The only materiality of that evidence was the probability which it might afford of the defendant's liability to such disorders of mind, and the corroboration which it might yield to other evidence tending to show such disorder at the time of the commission of the crime. The jury must determine whether at the time the homicide was committed, the defendant was labouring under an insane delusion prompting or impelling him to do the deed. Naturally, they would look first to an explanation of the act that might have been made by the defendant himself at the time or immediately before or after. Several papers had been laid before them that had been in the prisoner's possession, and that purported to assign the motive for the deed. In the address to the American people on the 16th of June he said: "I conceived the idea of removing the President four weeks ago. Not a soul knew of my purpose. I conceived the idea myself, and I kept it to myself. I read the newspapers carefully for and against the Administration, and gradually the conviction dawned upon me that the President's removal was a political necessity, because he proved a traitor to the men who made him, and thereby imperilled the life of the nation." Again, he said in this address: "Ingratitude is the basest of crimes. The President, under the manipulation of the Secretary of State, has been guilty of the basest ingratitude to the Stalwarts. His express purpose has been to crush General Grant and Senator Conkling, and thereby open the way for his renomination in 1884. In the President's madness he has wrecked the once grand Republican party, and for that he dies." And again: "This is not murder; it is a political necessity. It will make my friend Arthur President, and save the Republic." The other papers were of similar tenor. There was evidence that when arrested the prisoner refused to talk, but said that the papers would explain all. On the night of the assassination the prisoner had said to the witness Brooks

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that he had thought over it and prayed over it for weeks; that he was satisfied that he had to do the thing, and had made up his mind, and had done it as a matter of duty. He had made up his mind that the President and Secretary Blaine were conspiring against the liberties of the people, and that the President must die. In addition to this, the jury had the important testimony of Mr. Reynolds as to the prisoner's statements, oral and written, about a fortnight after the shooting. There he was found reiterating the statements contained in his other papers, and saying that the situation at Albany suggested the removal of the President, and that, as the faction fight became more bitter, he became more decided; that he knew that Arthur would become President, &c.

The jury had now before it everything emanating from the prisoner about the time of the shooting. There was nothing further from him until three months afterwards. And now he would pass to consider the import of all this. The jury would consider, first, whether this evidence fairly represented the feelings and ideas that governed the prisoner at the time of the shooting. If it did, it represented a thing which he (Judge Cox) had not seen characterized in any judicial utterance as an insane delusion. They would consider whether it was evidence of insanity, or whether, on the contrary, it showed an ample power of reasoning and reflection on the arguments and evidence for and against, resulting in the opinion that the President had betrayed his party, and that, if he were out of the way, it would be a benefit to his party, and would save the country from the predominance of their political opponents. So far there was nothing insane in the conclusion. It had doubtless been shared by a good many heated partisans who were sane people, but the difference was that the prisoner reached the conclusion that to put the President out of the way by assassination was a political necessity. When men reasoned, the law required them to reason correctly, so far as their practical duties were concerned. When they had the capacity to distinguish between right and wrong, they were bound to do it. Opinions, properly so called (that is, beliefs resulting from reasoning, reflection, and the examination of evidence), afforded no protection against the penal consequences of crime. A man might believe a course of action to be right, and the law might forbid it as wrong. Nevertheless he must obey the law, and nothing could save him from the consequences of the violation of the law except the fact that he was so crazed by disease as to be unable to comprehend the necessity of obedience. [Judge Cox here quoted the decision of the Supreme Court in the Mormon case.] In like manner, he said, a man might reason himself into a conviction of the expediency and necessity of protecting the character of a political association, but to allow him to find shelter from punishment behind that belief would be simply monstrous. Between one and two centuries ago there had arisen a school of moralists who were accused of maintaining the doctrine that whenever the end to be attained was right, any means necessary to its attainment were justifiable. Consequently, they incurred the odium of nearly all Christendom. By that method of reasoning the prisoner seemed to have gotten the idea that, in order to unite the Republican Party and to save the Republic, whatever means were necessary would be justifiable; that the death of the President by violence was only a proper and necessary means of accomplishing it, and was therefore justifiable; and that, being justifiable as a political necessity, it was not murder. That appeared to be the substance of the idea which the prisoner had put forth to the world, and if this was the whole of his position, it presented one of those vagaries of opinion (even if it were sincere) for which the law had no accommodation, and which furnished no excuse whatever for crime.

There was, undoubtedly, a form of insane delusion consisting of a belief by a person that he is inspired by the Almighty to do something—to kill another, for example—and this delusion might be so strong as to impel him to the commission of crime. The defendant in this case claimed that he laboured under such a delusion at the time of the assassination. His unsworn declarations in his own favour were not, of course, evidence, and were not to be considered by the jury. A man's language, when sincere, might be evidence of his condition of mind, but not evidence in his favour of the facts declared by him. He could never manufacture evidence in that way in his own exoneration. The law allowed a prisoner to testify in his own behalf, and therefore made his sworn testimony on the witness stand legal evidence, to be received and considered and given such weight to as it deserved. No verdict, however, could be safely rendered on the sole evidence of an accused party under such circumstances. Otherwise, a man on trial for his life could secure his acquittal by simply testifying that he had committed the crime under a delusion or inspiration, or irresistible impulse. That would be to proclaim a universal amnesty to criminals in the past and unbounded license in the future, and courts of justice might as well be closed.

He would say a word about the characteristics of that form of delusion. The idea of being inspired to do an act might be either a sane belief or an insane delusion. A great many Christian people believed not only that events were providentially ordered, but that they themselves received special providential guidance and illumination in respect both to their inward thoughts and their outward actions. But this was a mere sane belief. On the other hand, if a man sincerely, though insanely, believed that, like St. Paul on his way to Damascus, he had been smitten to the earth, and had seen a great light, and had heard a voice from heaven warning and commanding him to do a certain act, that would be a case of imaginary inspiration amounting to an insane delusion. The question was whether the case of this defendant presented anything analogous to that. The theory of Government was that the defendant committed this homicide in the full possession of his faculties and from perfectly sane motives; that he did the act from revenge, or, perhaps, from a morbid desire for notoriety; that he calculated deliberately on being protected by those who were

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to be benefited politically by the death of the President; that he made no pretence of inspiration at the time of the assassination, nor until he had discovered that his expectations from the so-called Stalwart wing of the Republican Party were delusive; and that then, for the first time, he broached his theory of inspiration and irresistible pressure to the commission of the act. Whether this was true or not the jury must determine from the evidence. It was true that the term "inspiration" did not appear in the papers first written by the defendant, nor in those delivered to Mr. Reynolds, except at the close of the one dated July 19, in which he said that the inspiration was worked out of him (although what that meant was not clear); and it was true also that that was after he was informed that he was being denounced by the Stalwarts. Judge Cox referred to the testimony of Dr. Noble Young, Dr. McDonald, and Dr. Gray, and this, he said, was about the substance of what appeared in the case on the subject of inspiration.

Judge Cox went on to say that the question for the jury was whether, on the one hand, the idea of killing the President first presented itself to the defendant in the shape of a command or inspiration of the Deity, in the manner in which insane delusions of that sort arose; or whether, on the other hand, it was a conception of his own, and whether the thought of inspiration was not simply a speculation, or theory, or theoretical conclusion of his own mind. If it were the latter, it was nothing more than one of the vagaries of reasoning which he had already characterized as furnishing no excuse for crime. He had dwelt upon the question of insane delusion simply because the evidence relating to that was evidence touching the defendant's power or want of power (from mental disease) to distinguish between right and wrong as to the act done by him. This was the broad question for the jury to determine, and was what was relied upon by the defence.

It had been argued with force on the part of the defence that there were a great many things in the defendant's conduct which could not be expected of a sane man, and which were only explainable on the theory of insanity. There were strange things in his career, and whether they were really indications of insanity, or could be accounted for by his ignorance of men, by his exaggerated egotism, or by his bluntness of moral sense, it might be difficult to determine. The only safe rule, however, was for the jury to direct its attention to the one test of criminal responsibility, namely, whether the prisoner possessed the mental capacity, at the time the act was committed, to know that it was wrong, or whether he was deprived of that capacity by mental disease. There was one important distinction which the jury must not lose sight of, and they must decide how far it was applicable to the case. That was the distinction between mental and moral obliquity; between the mental incapacity to distinguish between right and wrong and the moral insensibility to that distinction.

In conclusion, he said: From the materials presented to you two pictures have been drawn to you by counsel. The one represents a youth of more than average mental endowments, surrounded by certain immoral influences at the time his character was being developed; commencing life without resources, bnt developing a vicious sharpness and cunning; conceiving "enterprises of great pith and moment" that indicated unusual forecast, although beyond his resources; consumed all the time by unsated egotism and a craving for notoriety; violent in temper, selfish, immoral, and dishonest; leading a life of hypocrisy, swindling, and fraud; and finally, as a culmination of his depraved career, working himself into the resolution of startling the world with a crime which would secure him a bad eminence. The other represented a youth born, as it were, under malign influences—the child of a diseased mother and of a father subject to insane delusions, reared in retirement and imbued with fanatical religious views; subsequently, his mind filled with fanatical theories, launched on the world with no guidance save his own impulses, evincing an incapacity for any continuous employment; changing from one pursuit to another—now a lawyer, now a religionist, and now a politician—unsuccessful in all; full of wild, impracticable schemes, for which he had neither resources nor ability; subject to delusions; his mind incoherent and incompetent of reasoning coherently on any subject; with a mind so weak and a temper so impressionable that he became deranged, and was, therefore, impelled to the commission of a crime the seriousness of which he could not understand. It is for you, gentlemen, to determine which of the portraits is the true one.

And now, gentlemen, to sum up all I have said to you, if you find from the whole evidence that at the time of the commission of the homicide the prisoner was labouring under such a defect of his reason that he was incapable of understanding what he was doing, or of seeing that it was a wrong thing to do—as, for example, if he were under the insane delusion that the Almighty had commanded him to do the act—then he was not in a responsible condition of mind, but was an object of compassion, and should be now acquitted. If, on the other hand, you find that he was under no insane delusion, but had the possession of his faculties, and had power to know that his act was wrong, and if, of his own free-will, he deliberately conceived the idea and executed the homicide, then, whether his motive were personal vindictiveness, political animosity, a desire to avenge supposed political wrongs, or a morbid desire for notoriety, or, if you are unable to discover any motive at all, the act is simply murder, and it is your duty to find a verdict of guilty as indicted. Or (after a suggestion from Mr. Scoville to that effect) if you find that the prisoner is not guilty by reason of insanity, it is your duty to say so. You will now retire to your room and consider your verdict.

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ATTEMPT TO SHOOT THE QUEEN.

The indictment charged the prisoner Roderick Maclean with traitorously and maliciously compassing the death of her Majesty the Queen, and with having, on the 2nd of March, discharged a pistol loaded with powder and bullet at her Majesty in the parish of Windsor. He was tried at Reading, April 19, 1882. Mr. Montagu Williams having opened the case for the defence, in the course of which he expressed the astounding opinion that the attempt to murder the Queen was "committed under the influence of a condition of mind brought upon him by the Almighty"—a charge which throws into the shade the worst utterances of Mr. Bradlaugh—called the following among other witnesses:—

Mr. Fowler Smith, surgeon, in practice at Kensington, said, in reply to Mr Yates—I find from my books that in 1866 I attended a patient who gave the name of the prisoner, and an address 8, Gloucester road. I dressed a wound in his head. I attended him from March 10 to April 18, not every day, but 14 or 15 times altogether.

Dr. Maudsley said—I have had 25 years' experience of insanity. I remember being called in to the prisoner, and I gave a certificate on December 18, 1854. [The certificate stated that the doctor saw Roderick Maclean at 112, Earl's Court road, London, some months before, when he was brought by his father in order to obtain his (witness's) opinion to his state of mind.] Witness formed an opinion at that time that he was not of perfectly sound mind. He recommended his being placed under some supervision in order that he might be prevented from doing mischief, as there was every reason to believe he would some day attempt it.

Samuel Stainsby, examined by Mr Montagu Williams—I live at Lavender hill, London, and am an artist. I have known the prisoner and his family for upwards of twenty years.

Do you remember his meeting with an injury to his head?—Yes, I do; and heard of it whilst he lived at 112, Earl's Court road.

And you had frequent opportunities of seeing him. Did you come to any conclusion with regard to the state of his mind?—I had no doubt at all but that he was absolutely insane.

Mr. Montagu Williams then put in the following letters, in the prisoner's handwriting:—

"13, George street, Weston-super-Mare, Sunday, May 30, 1880.

"Dear Annie,—I have no doubt but you will be somewhat surprised to receive another letter from me; but as the English people have continued to annoy me, I thought I would write, as you should not be surprised if anything unpleasant occurred, as the people being so antagonistically inclined towards me makes me raving mad. I can hardly contain myself; in fact, I mean if they don't cease wearing blue I will commit murder. In fact, I could not prevent myself committing murder about them not assisting me to get a letter from the Sanatorium; and yet they have the audacity to wear blue, and the anguish I passed the other night I could not describe. Perhaps by the time you receive this I shall be in prison. I really think I cannot prevent myself having revenge on the English people, and I don't mind a bit if they hang me, as now I see things in a different light. They only pretend to be friendly, to annoy and cause untold misery. I fear it will be just as bad in Boulogne or elsewhere. What chance have I to cope with the millions of people who are against me? Not merely against me—I should not mind that—but at open defiance and publicly annoying me on every possible occasion. What a confounded fool I must have been to say anything about it or wear blue at the time! From your former words I thought the people had a more forgiving nature; but I perceive I was deceived in them all. I intend to carry my determination into effect to-day (Monday), and after it's done I shall write you a letter, of course. I shall not remove nor give myself up, but doubtless they will take me into custody the next day. If I cannot commit a murder (I really assure you, Annie, I mean what I write) in one way, I will in another way. All I can add is, if there is more difficulty there may be more victims.

"From yours affectionately,

"RODERICK.

"P.S.—Among other things the people, after so universally wearing blue, not giving me a letter for the Sanatorium, annoyed and troubled me very much indeed, you have no idea how much, especially as they all more or less wear blue. I have written a confession, which I intend to give to the superintendent if they will not read it in Court. Will you try and persuade 'em to, as I wish the English people to know that they did not make such a fool of me as they supposed, and as they previously were at enmity for nothing, now they shall be at enmity for something? Of course you can see the confession is—Why I committed the murder, not about the museum affair."

"14, Wadham street, Weston-super-Mare.

"Dear Annie,—I received your telegram this morning, and as the people where I am staying heard me say something about the revenge I contemplate having against the English people, as they have all conspired to annoy me, I am not alluding merely to Weston, but every one in England—in London, Bristol, Bath, and Boulogne—in fact, everywhere. As they said they wished to avoid any difficulties, or to get their names into the papers, I must leave their house this day and pay half a week, which I have done. I don't want

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you or Caroline to have to suffer for what the people are doing. I have no doubt it would drive any one mad if they knew for certain, as I do, that millions of people are trying to injure, annoy, and vex me, on every opportunity. They cannot make me believe otherwise, as I am not such a fool as many people may suppose. What they or any one said to the contrary I should be, and I am positive my conclusions are correct ones, as I should not get out of the people's annoyance by coming to London. As there are so many people in London, it would be a thousand times worse. It puzzles me to know what to do, or where to go. An asylum would be the only place of refuge, but even there I should come in contact with the attendants and visitors, &c. A workhouse is worse, as more people come in and out. At all events, I will try to keep free from trouble until next Monday, and by that time something must be decided. But if it happens I should do something wrong before then, I shall send the bag, and write a letter; but I can assure you that I will try as much as I can to keep down the impulses that the people's antagonism caused to rise. In Boulogne I fear it will be as bad, if not far worse. What annoyed me so very much was the not sending me a letter for the Sanatorium. If I had asked for pecuniary assistance, it would have been another thing; but, considering how desirable it was that I should get in, and being so simple a request, I thought they, by refusing me, only done it to cause me perplexity and annoyance, especially after everywhere I went (were) wearing either blue, or black and blue, and I having a few days previously told the landlady at Clevedon, on April 12, that all who wear blue would be signifying they were my friends. Also, as you know by my letters to you, it all appeared so plain to my senses that I concluded that people merely done it to deceive me and to cause me perplexity and agony. With love from your affectionate

"RODERICK.

"Monday, May 31, 1880."

The Attorney-General—You say that while the prisoner was staying with you, you thought him insane. Why did you think so?—My impression was founded more on his general conduct than on any particular act. He was always boasting of his power.

The Lord Chief Justice—Is self-conceit inconsistent with insanity?

Witness—No, but his was immoderate. He was always talking of his histrionic powers. He thought he was a great actor.

Was he placed under any restraint at this time?—No, he was treated like one of the family.

Mr. Montagu Williams read the following letter from the prisoner to his sister:—

"A Vow to be Remembered,—Since what Annie said to me on December 29th, as to the way in which I should get my living, I swear most positively and solemnly to God Almighty that I will never leave England or Scotland only merely to visit Boulogne, France. As this is a most sacred and solemn vow to God, if any one advises or entices me in any way that ingenuity can devise to leave either England or Scotland to visit any country excepting France, may the full curse of God be their portion. If I myself give ear even for a moment to such inducements, may I share God's full wrath.

"(Signed) RODERICK EDWARD MACLEAN.

"Besides other reasons why I have come to the above decision is it is quite evident they wanted to drive me out of England, like an exile from his native land. Now that end they will never gain, as I would sooner consent to be burned to death than to deviate from my oath made to the Almighty to prove how determined I am. A few days ago a gentleman offered me a berth worth £6 per week to go abroad in his yacht. I at once and most decisively refused it.

"R. E. M."

Dr. Alfred Godrich, 140, Fulham road, examined by Mr. Montagu Williams—I knew the prisoner in 1873-74. I was consulted with respect to the prisoner. His father wished him to be confined in a lunatic asylum. [Certificate produced.] My certificate states: "I find him to be of a highly nervous temperament," and although he did not exhibit any signs of insanity sufficient to justify sending him to a lunatic asylum, I felt strongly suspicious that he was not of sound mind, and advised his father to have him carefully supervised, to prevent him doing injury to himself or others.

The certificate was issued in October, 1874. At that time were you of opinion that the prisoner was of unsound mind?—Yes; certainly.

Dr. Hitchins, Westminster, examined by Mr. Montagu Williams—On the 3rd of June, 1880, I examined the prisoner at the bar to ascertain the state of his mind.

At what conclusion did you arrive?—That he was a person of unsound mind.

In consequence of your examination did you issue a certificate of insanity?—I did. [Certificate produced.] Upon the certificate the prisoner was confined in the Somerset Lunatic Asylum.

What kind of mania did you think he was suffering from?—Homicidal mania.

The Lord Chief Justice—There is an expression known to science which is used in these cases. You don't use it in your certificate. Why was that?

Witness—I don't know. When I find a person of unsound mind I do not always mention it.

When you say he had homicidal mania, do you suppose at that time he was master of his actions?—No; I think not. I was afraid he would do some injury to some one.

Mr. Thos. S. Sheldon, examined by Mr. Williams, said—I am a member of the Royal College of Surgeons, and assistant medical superintendent at the Bath and Wells Lunatic

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Asylum. I produce a certificate of the discharge of the prisoner, which is as follows:—"R. E. Maclean, admitted June 2, 1880; discharged, recovered, on Feb. 21, on no probation." The remark on the case is, "being convalescent some months; his habits being intemperate."

Was he under your care at all?—Yes; as one of the medical officers, he came frequently under my attention. He was suffering from an indefinite state, which was mania and partly melancholia. When admitted he was excited, and the excitement continued some days. Reaction set in, and he became melancholy. During the last month I do not remember his delusions very accurately, but I have a strong impression they were the same as were recorded in the certificate, in which he was said to be suffering from homicidal mania—at all events, from a mania calculated to do injury to others.

By Sir Henry James—I have not any extracts from my case-book with me.

Mr. Montagu Williams said he had a copy of extracts. The document described him as being received on June 2nd, 1880; that he could read and write. His propensities were dangerous. General health fair, but he suffered from mental anxiety, and had a delusion that he must kill some one. His relation was given as Caroline Maclean, 112, Earl's Court Road.

Sir H. James—You were under the impression he had recovered?

Witness—Yes; recovered from the acute attack of mania.

And the delusions also?—So far as we could ascertain.

Mr. Williams—Would those kind of delusions be likely to return?

Witness—Yes. I thought when I sent him out he would probably come back, or be taken to some other asylum.

The Lord Chief Justice—You say that, as far as you could ascertain, the prisoner was recovered?

Witness—That is as far as we can go. I thought that any exciting cause, such as privation, would induce a return of insanity.

Did you think him safe to be at large?—Quite safe at the time.

At the time did you think his state of mind such that, from time to time, he would be dangerous?—I thought it necessary to confine him again.

The Rev. Archibald Campbell MacLachlan, examined by Mr. Williams—I am a clergyman of the Church of England, and live at Newton Vallance, in Hampshire. On Thursday, 23rd February last, I was at home. My attention was called by my wife to a man who had fallen down in a fit at my gate. That man was the prisoner at the bar. He was in a most exhausted condition when I came up. He was placed in a chair. He seemed half starved, and was in a cold perspiration. I was in Windsor on the 2nd March, and was standing halfway between Leighton's shop and the corner with my son and daughter, and saw the outrider coming; so I said, "Here is Her Majesty. It is a narrow street; we shall see her well." Just then I heard a report and saw smoke. I then saw the man I had relieved carried up the street. I had then a firm impression I had seen him before. Now I recognise him as the same man.

Mr. Manning, medical superintendent of Laverstock Asylum, Salisbury, said, in reply to Mr. Montagu Williams—I have had the management of that asylum for the last seven years, and I have had large experience of lunatics. I saw the prisoner in Reading Gaol, with a view to examining into the state of his mind, on the 6th, and again on the 30th of March of this year.

What conclusion did you come to?—That he was not of sound mind.

The witness's report was put in and read. It referred to interviews with the prisoner on the 6th and 30th March, and stated that he was rambling and disconnected in his discourse, and did not realize the enormity of the crime he had committed. He was labouring under three delusions—first, that there was a determination on the part of the people of England to persecute him; that persons were in the habit of dressing in blue to annoy him; and that he was under the influence of a supernatural power, hearing from time to time voices mocking and debating with him. He could not tell whether it was a male or a female voice. Referring to the crime, he said he had come to the conclusion that it would be better to put a bullet into the pistol to impress people with its gravity. From time to time he broke out into loud laughter, so that there was difficulty in controlling him. He was of very weak mind and subject to delusions, especially that of being subject to persecution, and witness believed that such delusions were in full force on the 2nd of March. Under the care and regular diet of the gaol the prisoner had improved during the period of his incarceration.

The Lord Chief Justice perused the report.

Mr. Montagu Williams—I must call your attention to one passage. "He tells me that he has now and then suffered from fainting attacks; but I think they are really paralytic seizures, and if so their occurrence will add to the disorder on this point. However, I have not been able to obtain any accurate information." Did you notice whether the prisoner had improved since March 2nd?—On the second occasion that I saw him I thought he was looking better.

The Attorney-General—Of course there are different degrees of insanity. What do you say as to his knowledge of an act he is committing? Would he be aware of what he was doing?—I think he would.

What do you think as to his competency to know whether he is doing right or wrong?—Well, it is difficult to enter into the mind of another person.

The Lord Chief Justice—Do you say that this man, at the time he presented the pistol to shoot the Queen, knew that he was doing wrong, but yet was unable, from mental or other

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causes, to control his act, such as a strong man, not suffering from delusions, would have been?—I do.

Mr. Montagu Williams said that, under the circumstances, this would have been his case for the defence, but as he understood that certain medical men had seen the prisoner on behalf of the Crown, he should like them to be called in order that he might examine them.

The Attorney-General—When it was understood that a defence of insanity was to be set up I thought some inquiry should be made by independent medical men in order that there should be some check on the defence. Two gentlemen, one from Broadmoor and the other recently superintendent at Colney Hatch, have sent in reports as to their examination of the prisoner.

Dr. Edgar Shepherd, formerly superintendent of Colney Hatch Lunatic Asylum for 20 years, was then examined. He said that according to instructions from the Treasury, on the 24th March, and again on the 10th April, he saw the prisoner in Reading Gaol, and furnished a report to the Treasury.

In your opinion, from what you saw during these two interviews, and based upon your knowledge of mental disorders, did you believe at the time you saw him that he was a man of unsound mind?—Of unsound mind unquestionably.

The Attorney-General—Perhaps you could give a little more detail of your opinion?—I should say that the prisoner has very marked congenital defects, which handicap him very heavily. He has a very narrow head, with the high, arched skull so commonly associated with idiocy and insanity. He is not a man who could reach a fair standard of moral or physical health. He has a nervous hesitancy of speech amounting to a stutter—imperfect vocal articulation I should call it. He has a scar on the right side of the head, about two inches long, the result of an accident about 13 years ago, as I understand it. This scar is very tender on pressure. He complained to me of a shooting pain through the forehead. I found he had delusions of an unmistakable character. He said persons in blue were against him, and always had been; that he had a mysterious connection with the number four and the blue, and this combination of figures was always disastrous to him. He told me that a few weeks ago he went to Somerset House, in the Strand, to ascertain whether he was registered or baptised. Finding that he was neither the one nor the other, he thought himself more injured than ever, and he determined to bring his case under observation by taking the step he had done. I pointed out to him the inadequacy of his grievances to the measures adopted for redress, but he did not seem to see it at all. He had a perfect right to do what he had done, because it had been revealed to him in early life that he had a great and secret power over mankind. He also said he was related to the Royal family as much as George IV., and that the crowd would have torn him to pieces the other day had it not been for Jesus.

What was the result you arrived at?—I regard him as an imbecile, and I think he has always been so. All imbeciles are liable to paroxysms of this kind, homicidal mania. I think it more correct to call it delusional mania. Under the delusion they commit the homicide. The real question of right or wrong does not present itself to a man in such a state.

The Lord Chief Justice—In Macnaughten's case a question was put, and it was answered by a very eminent man in your profession. The question was whether the man, when he saw his supposed enemy before him, although he knew what he was going to do, and knew perhaps that it was wrong, had no power to resist gratifying his insane passion, but was just as if a man of greater strength had taken his hand and pointed the pistol at Mr. Drummond's back?—I do not think in this case the prisoner had any power whatever to distinguish between right or wrong.

Did the prisoner know when you examined him that you did so on the part of the Crown?—No, he did not.

By Baron Huddleston—At my last interview, just before I left him, he asked me who I was and what brought me there, and I then told him, but not before, that I was sent by the authorities to see him.

Dr. William Orange, examined by Mr. Williams—I am medical superintendent of the Broadmoor Lunatic Asylum. I was sent down by the authorities to ascertain the state of mind of the prisoner at the bar. I saw him on the 1st, the 3rd, and the 14th of April. I have been connected with public asylums for the last 22 years, during 19 of which I have been connected with the Broadmoor Asylum.

Having regard to the interviews you have had with the prisoner, is it your opinion that he is of sound or unsound mind?—Of unsound mind.

Did you hear Dr Shepherd just now, and do you agree with his evidence?—In the main I do.

By the Attorney-General—At the time I examined him I did not think he was capable of appreciating the nature and quality of the act he did.

The Lord Chief Justice—As far as you think, he would be unable to resist his impulses?

Witness—Lunatic persons labouring under the mental condition of the prisoner do commit acts contrary to law; but they commit them knowing in some instances what will be the consequences of their acts, as, for instance, persons who shoot others with the hope of being hanged must necessarily have the knowledge of what may be the result of their act.

Do I understand you to say that you think, from the disease of his mind, he did not appreciate the nature and quality of his act?—He is too wanting in capacity to appreciate the nature of the act he was committing.

Can you say he did not know at that time?—It is exceedingly difficult to dive into the muddy minds of insane people and assign some motive for insane acts. He told me all sorts of things, and I was in conversation with him for over seven hours.

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You are not to tell us what passed, but, as a scientific man, the conclusions you have drawn.—That depends on the nature of his statements. He said he was right to do what he had done, and he had benefited himself by doing it. I may refer to the case of the man who shot at the Master of the Rolls. He maintained that he was right in doing so, and he knew he would have to go through a criminal court, but he is insane and irresponsible.

Baron Huddleston—I tried that case.

Mr. Oliver Maurice, M.R.C.S., examined by Mr. Williams—I have for the last 16 years been surgeon to the gaol at Reading. The prisoner at the bar has been for the last few weeks under my care, and I have seen him almost daily.

In your opinion is he of sound or unsound mind?—Unsound mind.

The Lord Chief Justice—Why do you say so?

Witness—From the frequent conversations I have had with him. He has delusions.

Do you think he knew what he was about when he fired the shot?—Yes, I think he knew what he was doing.

Do you think he knew he was doing wrong?—I do not.

Do you think that if he did know he could have helped it?—I do not.

This concluded the evidence for the defence.

Mr. Montagu Williams then proceeded to sum up the case for the defence. He said the only thing they would have to decide was, Was the prisoner, at the time he committed the act, of sound or unsound mind? Was he a responsible person in the eye of the law? Was he capable of distinguishing what was the quality of his act, and did he know the difference between right and wrong? He thought they would conclude that the prisoner was not guilty on the ground of insanity, when he would be detained during Her Majesty's pleasure.

The Attorney-General said that a verdict of not guilty on the ground of insanity was not to be lightly arrived at. He added:—Those who advise the Crown have received all the information you have heard, and they could not but conclude that the opinions of such eminent men as Drs. Orange and Shepherd would have very great weight and influence on you in arriving at your verdict. We have also received evidence with respect to the previous life of the prisoner, and it occurred to us that there was very cogent evidence that the prisoner's mind was not in a healthy and sane condition; but grave questions might arise as to the extent to which the insanity had reached, and it was our opinion that you should be left to decide whether it was of a character to prevent the prisoner being responsible for his actions.

The Lord Chief Justice then proceeded to sum up the case to the jury. Having reviewed the evidence adduced, his Lordship said—It is for you to say whether you consider the prisoner to be not guilty on the ground of insanity; but if you find him not guilty, you should be careful to add the words "upon the ground of insanity," and for this reason, that if you find him not guilty without such a qualification he would be entitled to leave the box, and would, perhaps, repeat his crime; but if you add that, then by statute he passes into the control of the Government, and will be locked up, as it is called, during Her Majesty's pleasure, or until such time as those who should advise the Crown are satisfied that he can be safely set free. It is a merciful verdict. It saves the man's life, as it ought to be saved if he is not a moral agent, while on the other hand it protects society against a repetition of those outrages, because he will be placed under the control of the Government, and will be kept in custody as long as it will be right for him to be kept. I do not desire to say one word about the nature of the act if the man had been responsible for it, because it seems to me that burden of proof has, at all events, been very largely met by the prisoner. It is, of course, for you to say whether that burden has not been fully satisfied by him; but if you are convinced he did the act when he was responsible, no words could be too strong, no punishment too heavy for him. If he was not responsible for it, although the life which he put in danger was a life inestimably precious, he ought to be protected as much as if he had only committed the most trivial offence against the meanest subject of the realm. Gentlemen, you must now consider your verdict, and say whether you find him guilty or not guilty on the ground of insanity.

The jury retired at twenty-three minutes past five o'clock, and after an absence of five minutes returned into court. Their verdict was not guilty on the ground of insanity.

The Attorney-General—Then, my Lord, I have to ask that the usual order be made that the prisoner be detained in strict custody during Her Majesty's pleasure.

TheLord Chief Justice—Let that be so.

His Lordship then signed the usual order, and the prisoner, who manifested no emotion, nor seemed to understand his position, was removed from the dock.

ATTACK ON THE LIFE OF DR. GRAY, OF UTICA, N.Y.

In addition to the notice of this assault at the Quarterly Meeting of this Association (p. 290), we give the account of the occurrence contained in the "American Journal of Insanity," for April, in lieu of one which we had previously prepared from other sources. Physicians in asylums cannot but run many risks from their patients. But such an accident from the outside could not have been anticipated, and is a hard fate to befall the member of a humane profession.

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