first instance, it is true; but after the failure of the ordinary opiates, or their contra-indication, it should certainly be the duty of the physician to administer it. If, having succeeded at first, it afterwards does not act so well, either from too frequent repetition or idiosyncracy, an opiate by the mouth will often prove beneficial. Idiosyncratic cases doubtless will occur in this as in all other remedies, but should only increase the caution used in applying it, not in abrogating its use. It is likewise found of especial benefit in cases where a course of laxative medicines is necessary; a condition so common in asylums, and frequently no less distressing than obstinate. I have heard of no fatal issue resulting from the treatment, nor would such invalidate the above remarks.

With regard to the operation itself, even in the most violent cases there is little difficulty in performing it; indeed, there is often much less trouble than with the ordinary opiates. In terrified ones the simplicity of the operation reassures them, and by-and-by they give their arms voluntarily. In the demented, no notice is taken of the proceeding.

In no case was there any inconvenience attending the puncture, although sometimes a slightly brownish circle marked the injected portion for a day or two.

CAUSE IN LUNACY.—REDUCTION OF A WILL.

A most important and interesting lunacy trial, the result of which has been to set aside the will of the late Colonel Maclean, has recently attracted great attention in Scotland. A writer in the 'Edinburgh Medical Journal' has given so dishonest a view of the cause that in the interests of justice we feel bound to lay before our readers a comprehensive statement of the medical evidence. The medical evidence for the pursuers we give *verbatim* from the shorthand writer's notes; a great portion of the queries as well as the answers are also given, in the belief that the whole will afford a good illustration of the searching examination to which alienist physicians may be subjected. And we beg here in passing to observe, that although nothing could be more subtle than the cross-examination of the Lord Advocate, and more efficient in sifting and testing to the utmost the evidence of an adverse witness, yet not only was the spirit of this cross-examination eminently fair and honorable, but the manner in which it was conducted was so courteous and gentlemanly as to afford a striking contrast to the treatment which medical experts have too frequently to endure in the witness-box. This trial occupied the Court of

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Session in Edinburgh seven days, but we are enabled to separate the medical part of it, in consequence of the practice of the Scotch courts in civil causes with regard to medical evidence. In English courts the medical expert must be in court during the whole of the trial, and hear the whole of the evidence; a rule no doubt founded upon the presumption that he will be better able than either the court or the bar can be to make the distinction between those parts of the evidence which have a bearing upon the medical question and those which have not. The English practice is for the medical expert to attend in court, and hear all the evidence, after which the counsel or the solicitors ask him privately his opinion, and upon that determine to put him into the box or not. The Scotch practice is to exclude the medical expert from the court while the general evidence is being given; when this has been gone through, the medical experts in attendance for the pursuers or defenders are called into court, and such portions of the evidence as are considered to have an immediate bearing on the medical aspect of the cause are read over to them by the judge; they are then, one after another, brought into court to give their evidence, so that no one of them is able to hear any evidence, medical or otherwise, given in the cause, before he is called upon to give his own. The only advantage which we can see of this mode of proceeding is the possibility that it may, to some extent, prevent medical experts from identifying themselves with a cause by the feelings of sympathy or antipathy which the conduct of witnesses is too apt to excite, even in the serene atmosphere of the judgment-seat. Against this has to be put the impossibility of the judge being able to separate the evidence into that which has a medical bearing and that which has not. The arrangement, moreover, does not provide for the medical expert retiring from the cause privately if he should be dissatisfied with the evidence given on the side for which he is present. In the English courts such a circumstance occurs without attracting notice, at least without attracting that of the jury. But this would be impossible under the Scotch system, and the inevitable effect upon the minds of the jury, if any of the medical witnesses, after having been called into court, and having had lengthy evidence read to them by the judge, should decline to go into the box, would be to create a strong, though perhaps an unjust, prejudice. As far as the comfort of the medical experts themselves is concerned (a very secondary consideration to the ends of justice), we decidedly give the preference to the Scotch method, since it saves the medical witness the labour of making, mentally, that analysis of all the evidence which is thus made for him by the judge; it saves him from weary days spent in court, and it ought to save him from much of that personal rivalry which is too apt to develop itself in medical experts on opposite sides of the question in our English courts.

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Colonel Alexander Maclean died at Millport, in 1859, aged eighty. He had entered the army in 1804, and retired in 1847, and during this interval he had spent fifteen years in service in the West Indies and four in Sierra Leone. After residing for a few years at Glasgow, visiting Millport, in the Island of Cumbrae, in the summer, he went to live permanently at the latter place in 1852, where he resided until his death in 1859. In 1850, while at Glasgow, he met a girl of fifteen years old, carrying buckets of water across the bridge, whom, two years afterwards, he engaged to be his housekeeper, and who in that capacity resided with him to the day of his death. Colonel Maclean is supposed to have made his first will in 1856, directing his property, which amounted to upwards of £20,000 in the funds, to be set apart for the education of 140 boys, of the name of Maclean. In 1858 a codicil was added, which first provided that only boys who spelt their name Maclean, and not Maclaine, should be admitted to the benefit of the trust, and also directing the trustees to set apart £1500 of the funds for the erection of a Gaelic church in Glasgow; this church was to be named "Reilig Oain Eglish na Brann." In 1859, shortly before his death, the Colonel added a second codicil to his will, giving an annuity of £50 to his housekeeper, Mrs. Crawford, and, after her death, annuities of £25 each to her two daughters. By this will he disinherited his relations and heirs, namely, three of his own sisters, aged widows, and women of unblemished character, and a number of nephews and nieces.

The cause was heard in Edinburgh, from the 1st to the 8th of August, before the Lord Justice-Clerk Inglis. *Counsel* for pursuers, Messrs. Young, Millar, and Black. *Agent*, Mr. D. Curror. *Counsel* for defenders, the Lord Advocate, Messrs. Macfarlane, Clark, and McLean. *Agent*, Mr. J. Martin.

On the third day of the trial, the medical experts for the pursuers were called into court, and the judge read over to them such portions of the evidence and documents as in his opinion had a bearing upon the medical question at issue. We have no record of the amount of evidence thus read, but we believe that most of it will be found in the following extracts from the best accessible report. We have some doubt whether the remarkable evidence of Archibald Campbell was read.

Mrs. Mary M'Donald examined by *Mr. Black*.—I am a sister of the late Colonel Maclean. He was born in Mull. My father was a farmer and drover in Mull. I am about seventy years old. There were fourteen of a family of us altogether. There were four sons who grew up. John was the oldest son; the second, Sandy, the Colonel; the third, Archie; and the fourth, Duncan. They were all officers in the army. John and Archie were married. Of the daughters, four of us were married and the others died young.

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Besides me, there are Mrs. Morrison and Mrs. Fletcher still living. I don't know when the Colonel was born. I was told he was about eighty when he died. Sandy entered the army when he was about twenty-one years of age. He gradually rose till he was Lieutenant-Colonel. He sold out, and came back to Glasgow. He was two or three years in Glasgow before he went to Millport permanently, which he did about seven years before he died. When he went to India I was about twelve years old. Before he went away my brother could not have been kinder to us. The whole of them were that, but he most of all. He continued so till he came back from Africa. His mind and temper so changed that, for all his money, I couldn't put up with him. There was the greatest change in his way of speaking when he came from Africa. Sometimes I couldn't make any sense of what he said. There was an impediment in his speech, which I never noticed before. He was sometimes very irritable and cross. I never saw a gloom on his face when he was young; I never saw a better natured man. He told me he was so long in hot climates that he got altered. He said nothing about a sunstroke to me, but said he had a very severe illness in Sierra Leone when he went there first. It was a severe fever he had; he was so ill he didn't think he could live. I saw him often when he came from Africa, for I was stopping in Glasgow. He afterwards went back to St. Kitt's, in the West Indies, and returned to this country after he retired from the army. I saw him often when he came back from St. Kitt's. His temper was wild when he got into a rage. I'll tell you what it is, I was very glad when he left Glasgow. He was rude, irritable, and cross, and when he got into a rage he could scarcely speak. He stammered very little in his ordinary speech. He was very often in a rage. That was his custom, I believe, abusing people that way. I just saw him once in Millport, five months before he died. He was in the house when I went to see him. He didn't say much, but he was preparing to scold, as he used to do. He began to abuse his sister, Mrs. Morrison; I heard more than enough of that. He said everything but what was good against Mrs. Morrison. When he lived in family with us as a young man Mrs. Morrison was his favorite. He told me in Glasgow that he never had a sister or a brother but one brother and one sister. I left the room, and thought he had no sense. I thought he was out of his mind long before that. It was easily seen at that time that he was out of his mind. Since ever he went to Africa he was not the same man, he turned so wild and so cross. I began to think he was out of his mind shortly after he came back from Africa; it was easy seeing the place changed his mind. The change after he came back from Africa was the way he went on abusing people. (Shown letter, 456 of process.) I received that letter from the Colonel. That is the letter telling me about the eagle's nest. It surprised me much. There was no truth about the

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eagle story. I never heard of it before. I don't believe there is a word of truth in it.

ARCHD. CAMPBELL, examined by *Mr. Young*, deponed—I am a joiner. I resided in Millport between 1852 and 1857. I left in April 1857. I knew the late Colonel Maclean by name. He was called the daft Major. I did not know his proper name. I first became acquainted with him in 1852, when he was residing in the cottage at Kames Bay. He was always strolling along the shore, and I walked there occasionally too. He spoke to me, and afterwards used to cry—"Holloa, Campbell!" There appeared to me to be a screw loose somewhere in him. I mean he appeared to me not to be in his right mind. I thought so from the first, because he varied so much in his story-telling—I mean he was confused. He would forget the story he was telling, and begin another, without being aware of it himself. He had a kind of a stutter at the commencement of every sentence. There was always a trembling in his person. His body was very much bent forward when he walked. He was always mumbling away to himself. When I knew him first his favorite subject of conversation was women. The language he used was very unseemly. He had other subjects, but the subject of women was generally introduced into his conversation. We got pretty intimate, and in 1853, when he used to talk about what he did in the Indies, I asked how he could call out the soldiers to duty when he had a stutter. "Oh," he said, "I wasn't always that way —I had an attack of sunstroke in Sierra Leone." When the children were round him in the streets he would enjoy the sport for a time, and then get into a fearful rage. I have heard him use improper expressions to girls of from six to eight years of age. He would say to them, "Come here, my darling! my darling!" I have heard him say that to little girls like that and older girls dozens of times. His conversation to me always consisted of a mixing up of a sensible story with a love story or a bawdy story. In 1854 he told me he had no relations. When he told me he had no relations, I asked if he did not tell me he had two sisters. He said he never had any sisters, and that it was the greatest curse a man had to have a father and mother. I argued with him about it, but he stuck to his statement. He seemed to seriously believe when we were speaking on the subject in 1854 that he had no relations. He said he didn't come into the world as other people did—that he never had a father and mother. He didn't say how he had been brought up. When he said he never had a father and mother I thought him out of his mind; he spoke like an insane man. It is my firm belief that after 1854 the conviction on his mind was that he had no relations. I tried more than twenty times to convince him that he had, but I never shook his mind upon the subject.

MRS. CATHERINE MACLEAN OR BUCHANAN examined by *Mr.*

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Young.—I was at one time in the service of the late Colonel Maclean. I went there at Whitsunday, 1854, and remained till August, 1855. Mrs. Macdonald, Mrs. Crawford's mother, engaged me. Mrs. Crawford was married before I went to Millport. I didn't pay much attention to his health at first. His language was very rude. He attempted to speak improperly to me, but I went away, and would not listen to him. He generally did so when I took in his meals. He did not attempt to lay hands on me. I always kept out of his reach. Mrs. Crawford and her husband left the house during the first summer I was there, and after being away a few months they returned. In the spring of 1855, Colonel Maclean had an illness. I went one morning to his bedroom door to tell him breakfast was ready. He always breakfasted between six and seven. When the porridge was ready I used to rap at his bedroom door, and go away, not expecting an answer. He would then go into the parlour, and, after taking his porridge, come into the kitchen and infuse his tea himself. On this occasion he did not come into the kitchen, and I went back to the bed-room and opened the door and put in my head. I saw him lying below the bed. His head and body were under the bed, and his legs out. He was in his night-gown. He asked me to come in, but I went out and shut the door. This would be a little after seven. There was nobody in the house besides myself. I went back in a short time, and rapped; he called me to come in, and I went in, and found him in bed. I went forward to him and saw that he was shivering with cold. He said he was very cold, and wanted more blankets. I put a good many blankets on the bed, but he continued to complain of cold and pain in one of his shoulders and arms. I put on a fire in the bed-room. He lay in bed all day and took no food. I proposed to get a doctor to him, but he said no; he didn't care for his life. He wasn't able to sit up in bed for a week or a fortnight. I alone attended him. He continued to complain very much indeed of the pain in his shoulder downwards. When he was able to get up, he wasn't able to dress entirely for the pain. During the time I attended him he was very strange in his ways, and spoke a great deal. He pulled the clothes over his head and spoke to himself under the clothes. I never could make out what he said. The Crawfords returned after he got up, but before he was able to put on his clothes. His appearance was greatly changed for the worse after this. Both his head and his mouth shook a great deal; his lips always moved. He bent very much when he walked. I got away to see my friends in June, and I left him recovering. I was only away a week. He was able to put on his clothes after I returned. After I left in August, 1855, I was in Millport in August 1856, and called at the Colonel's house. Mrs. Crawford took me in to see him. He did not know me at first,

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but on being named twice by Mrs. Crawford, he recollected me. He had failed a good deal both in mind and body since I had seen him before. In July, 1857, I went down to Millport for a sail, and saw him. He was confined to bed then. He was very, very far gone in weakness of body. He didn't know me. I had to talk to him a good while before he recollected me. All that he said was that he wanted me back to serve him again, and I said I couldn't go back.

JANET CRAWFORD examined by *Mr. Young*.—I now live in Port-Glasgow, and I am a native of Millport. I remember Major Maclean coming there, when he was living at Logan's Hotel. I was quite a young girl. He often spoke to me in the street at the time, both when I was alone and when there were other little girls along with me. He at different times used obscene language. He was making love to young girls sometimes in a manner that could not be expressed. This was done very often, and it happened to myself among others. The children called after him sometimes "Morgy," and sometimes "Daft Major." I don't know the meaning of the word "Morgy;" it was just a nickname. He seemed to us children to be daft. When I was a little older, I was a servant in the house where Major Maclean lived. That was in 1853. Mrs. Crawford was Miss Macdonald. She engaged me, and told me that I was to be her servant. Miss Macdonald was about eighteen years of age then. She had a servant before I went. I remained nine months in her service. I looked upon Miss Macdonald as my mistress. She and the Colonel took their meals together. She appeared to have a command over him. She got everything from him that she wanted. She ordered him to do everything she wanted. She sometimes ordered him out of the kitchen, and told him to go to bed. I have heard her tell him to hold his tongue, and go out of the kitchen, and he went out. She had the upper hand of him. His mode of speaking was peculiar. He had a kind of stutter. He often spoke to me when I was in the house. He mixed sense and nonsense always together. I do not know whether he knew the difference between the two. I have heard him speaking of an eagle's nest, but I do not recollect exactly what it was. He spoke about a basket being lowered up and down from the nest. I understood that he had been in the eagle's nest himself when he was a child.

By the Court.—I understood that he said he had been fed by the eagle; but I do not recollect the exact story.

By Mr. Young.—I have heard him say that he had neither friends nor relations. He was much about the same on Sundays as on other days. He never went out on Sundays, except to the garden, and he went out on other days. I cannot say whether he read the Bible on Sundays, but he had it open before him. He was in the habit of

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swearing very violently. I have heard him do so with the Bible open before him.

By the Court.—If anything annoyed him about the house he would go ramping and swearing about the house all day.

By Mr. Young.—He was suspicious of people coming about the house. He seemed to be suspicious both about thieves and sweethearts, as he locked the doors and nailed the windows.

By the Court.—He used to take a fit of being violent at times. Sometimes he was good natured.

By Mr. Young.—The front door was always locked when I was there, and he himself always went out and in by the back door. The kitchen window was always nailed down at night, and the nail was taken out again in the morning. When I was a servant in the house he spoke to me in an improper way frequently, as he had done when I was a little girl. I used means to keep him out of my room at night. He once made an attempt to get in. His talk, when he got an opportunity, was very dirty. He had a bad stutter in his speech. His head and body shook, and he was very much bent.

Margaret Bushel examined by *Mr. Young.*—I am now in service in Glasgow. I am 21 years of age. I know Mrs. Crawford, who lived with Colonel Maclean. I was engaged by her to be a servant to her in 1855. I was then between fifteen and sixteen. I was there nine months, and left on the 11th of November, 1856. I was told by Mrs. Crawford that I was to attend on her and her baby and her husband, and an old gentleman that was living with them. I understood she was the mistress of the house. When I entered on the service I saw the old man for the first time. I was engaged in Glasgow. If Mrs. Crawford was well enough, and free from drink, she would take her breakfast with Colonel Maclean. Sometimes when she was in bed the old colonel would bring her some tea, and tell her not to hurry herself, but to take her tea and to take some rest, and he would tell me to keep quiet, and to keep the kettle boiling. She had been drinking the night before on these occasions. The old gentleman never seemed to know what had been the matter with her, and was very kind and affectionate to her. He was a frail-looking gentleman, and very much crouched down in his appearance. His body shook, and he often had to steady himself on his feet. He appeared to be at times a paralytic. He had a hesitation in his speech. There was never anything the matter with Mrs. Crawford, except drink, when I was with her, with the exception of the time when she had her baby. She had the complete command of the old gentleman. She ordered him very rudely about, and in an unbecoming manner telling him that he was not wanted, and that he was to go to his bed. He would run away very quickly after she spoke. He gave up his room to her after she had the baby, because it was larger. He seldom

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spoke any other thing but nonsense. It was very difficult to follow his speech. When he would be telling you something he would just drop it and go to some other story. He would often just go out and come in again, and say, "That memory of mine." Mrs. Crawford was not kind to him, as he was to her. She called him "Old Morgy," when she was speaking of him; and when speaking to him, she would say that no person would do for him what she was doing. He seemed quite persuaded that he could not do without her, and said there was no one like her. She frequently boasted that she could get from him anything that she wished. She said that all the Colonel's relations were very rich and had titles, and that she did not like them. She spoke in this way when she was sober as well as when she was in drink. She spoke about Ralph Maclean, and said that he was too intimate with the servant, and that she told the old Colonel to put him away, and he did so. The old gentleman had a habit of speaking to himself at all times, and he frequently roared very loudly in his room. I would ask what was that, and she would say, "It is old Morgy; he's daft." He went about the garden a good deal with his stick in his hand, and then came hurriedly back. He was a great deal worse at some times than at others, but he was always restless. He kept some large boxes, tied up with ropes and padlocked, in a back room. He was often among his boxes, locking and unlocking them. I never saw what was in them. He sometimes shut himself up in his room, and on these occasions I have heard him speaking very loudly and making a noise in the room. He had two illnesses when I was there. The first occurred shortly after I went there. Dr. Waddell was sent for. He was affected with his bowels at that time. He was confined to bed for a short time. The second illness was before November, 1856. He was confined to the house a month, at any rate, at this time. Dr. Waddell attended him again. He could not speak so as to be understood, and he could not lift up his arms. He lay on his back, and he would roar when Mrs. Crawford came to touch him, as if to prevent her. He was quite powerless, and could not turn himself. She got him into a hot bath. Before I left, at Martinmas, he was able to be up. From the time I went I did not think the Colonel was in his right mind. I knew there was something wrong with him, but what it was I couldn't tell. He was very suspicious of people coming to the house. He said that coals would be stolen, and the people would come and steal the tubs. The front door was never open, except once, while I was there; and he locked the kitchen door, and said we were all to stay in the house. He sometimes used improper and indecent language to me, but just a few words. When Mrs. Crawford was there they both carried it on, and she frequently commenced it.

MARGARET MACLACHLAN examined by *Mr. Millar*.—I am in service

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in Glasgow. I am nineteen years old. I was a servant in Colonel Maclean's house in Millport. [Witness generally corroborated preceding witnesses as to the influence of Mrs. Crawford over Colonel Maclean.] If he came to the kitchen, she would shove him out by the shoulders, and he submitted, and she would order him out of the way, and he went. The Colonel several times used obscene language to witness. He very seldom spoke anything else. The Colonel was very suspicious. I have seen him open the doors of the beds (which were all concealed) during the day, to see if there was anybody there. Nobody was ever found there. I did not think he was in his right mind.

The deposition of SARAH M'MILLAN, now in America, was then read. She was a servant with Colonel Maclean from Martinmas, 1857, till May, 1858. The kitchen was the Colonel's favorite place. He used to sit there and tell stories. Sometimes they were not nice stories. His favorite talk was women and men. He abused Mrs. Crawford a great deal. When in a rage he was always swearing and sending them to the lowest pits. If he saw a door open, or the coal-cellar door open, or the gate at the head of the garden open, he got into a passion. He was oftener in ill temper than in good temper. Deponent never heard him finish a story. When out of bed he was very restless. He frequently went to bed in the afternoon, and ordered me to go to bed too. He did this in the afternoon, about three or four o'clock. One evening, in the Colonel's second illness, Mrs. Crawford passed herself off as her (Mrs. Crawford's) mother. Mrs. Macdonald, with the intention of inducing him to make a provision for her. On one occasion the Colonel had got out of bed during the night, under the idea that there were soldiers with yellow fever in the bed, and lay on the floor with a blanket over him.

CAPTAIN MAON examined by *Mr. Young*.—I am paymaster of the 9th Lancers. I knew Maclean from 1837 to the end of 1840 or beginning of 1841. He had a habit of speaking to himself when there was nobody to speak to. He was excitable and passionate. His gesticulations were remarkable. He gesticulated with his mouth in a peculiar way, and talked incoherently. I slept in a room over his in Manchester and Rochdale. I have heard extraordinary noises in his room. One night in Manchester, especially, I was awakened by noises which exceeded even those which usually came from his room—I might say they were terrific. If I were to endeavour to describe them, it would be as if some men were contending with a parcel of hounds. It seemed as if there was a severe struggle going on underneath me. This peculiarity of his was spoken of in the regiment. Thirby came up to my room in a fright, having heard the same noise. Colonel Stewart has often spoken of it. The next day after this howling at Manchester he did not appear at parade. My own impression was that something very extraordinary had happened

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to him the night before. It was a very rare thing for him to be absent from parade. I don't think any other officer saw so much of him during that time as I did. I think he was a temperate man. I should not suppose that these things were at all to be taken in connection with his being tipsy.

MARTHA LITTLE or GUILLILLAND, examined by *Mr. Millar*—I am the wife of Wm. Guillilland, grocer in Glasgow. I am 24 years of age. I was brought up in Millport. I knew Col. Maclean. Janet Hunter and I were at the back of Bute Terrace when Col. Maclean met us, made a run at us, and used very obscene language. The Colonel very frequently made use of such expressions to me, sometimes when I was alone and sometimes with others. When I was twelve or thirteen years old, the Colonel came up to me and my brother (who is two years younger than me) while we were digging potatoes. He assisted us to carry them home, and when we were at the door he offered me his watch and chain if I would go and be his housekeeper.

Cross-examined by the *Lord Advocate*—I don't know whether he was in earnest or not. It was his usual way of speaking to girls.

By the Court—When he made a run at us I think it was more to frighten us than anything else.

JOHN MACLEAN was called, and examined by *Mr. Young*—It was not difficult to catch what he said. He talked mostly about his relations. He said Mrs. Morrison was an adultress, and she had got the breast of one—meaning that when she was a child she had been at the breast of an adulteress. He spoke very bitterly against her.

JOHN MACGOWAN, surgeon, examined by *Mr. Young*—

I am a general practitioner, and have practised in Millport since 1857. I went originally as an assistant to Dr. Waddell, who died on the 15th of April 1858, and I succeeded to his practice. Dr. Waddell was the only medical man on the island. I was called to see Colonel Maclean on the 4th February, 1858. I found him lying insensible in bed. His mouth was clenched, and the eyes were quite insensible to light from dilatation of the pupils; his breathing was stertorous, and there was paralysis of the tongue on the right side. His pulse was about 60, and full. I ordered him medicine for the purpose of opening his bowels smartly. I called again in the evening; he was getting a little better, but still insensible. I saw him again on the forenoon of next day. He was gradually becoming better, his breathing was more natural, and consciousness was returning. He spoke with an effort, I think; at any rate he spoke next day. After a great many explanations, I could get him to understand the questions I put to him. These were as to how he felt. The paralysis gradually wore away from the body, but it never completely left the tongue. I considered the attack was one of congestive apoplexy. I saw him again on the 18th March. He was very weak, and in a very excited state. He was going about the parlour half dressed. He had on one of those little jackets, no trousers, but a pair of drawers and shoes. I remonstrated with him about the impropriety of his going about that way. He was evidently astonished that I should think he wasn't dressed. He then said he had been summoned to a small-debt court, and wished me to give him a certificate that he was unable to go out. I wished then to feel his pulse, and make an examination of him; but

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he objected to that very seriously. He got into a terrible state of rage and excitement, and said that when he was in the army he never submitted to be examined by a doctor; if he wanted a certificate he just called for it and got it. Seeing that he would not submit to an examination, and that he was so excited, I put on my hat and left. He called on me to return, but I would not do it. He walked about the room in a very violent state. I wasn't very sure about him, and kept rather near the door. I was rather alarmed. I could scarcely make out what he said. He sent a messenger for me two hours afterwards. He then submitted to examination. The examination I proposed was merely to feel his pulse. There was a great change on him when I went back. He was quite quiet and docile. I told him that if I had granted the certificate without having examined him, I would have been liable to a penalty. He said that though it had been £500, or £5000, he would have paid the penalty. I cannot medically account for the change on him. I cannot say whether the anger was caused by disease or excitability. I visited him again on the 21st May. I was sent for. I had got a galvanic battery, and the colonel said when I went into the room—"You've got some wonderful machine, doctor." He asked what I would take to make him straight. I said I couldn't undertake to do that. He asked again if I would do that for £50. I said I would not undertake it on any consideration whatever, as I could not do it; but I said I would give him a shock in the meantime, and we would settle about the price of it afterwards. He spoke in a stuttering, stammering way. When he saw I would not undertake the thing for £50, he asked me if I would do it for 1*s.* a time. I said I could not come up to the house and do it for 1*s.* Then he asked what was the price of the machine altogether. I named some price to him, and after a little he agreed that I should come and give him a shock. I did not think it likely to do him the slightest good; I said I would do it to humour him. I did administer galvanism without any benefit. I saw a good deal of him in May and June. His conversation was extremely wandering and incoherent. I attribute the stuttering to paralysis of the tongue. He could not command his attention to any subject that I started. The general tenour of his talk was telling bits of stories and jumbling them together. His restlessness was a very marked feature of his case. I never saw him sitting. I thought disease was the cause of the restlessness. I saw him on the4th October professionally. He had had another fit, and was in the same state as I had seen him before. The attack was more aggravated than the previous one. Mrs. Crawford was from home at the time. I had him removed to a sofa in the parlour, where it was more airy. In the forenoon I found him a little better, but still unconscious. In the evening he began to speak. He was raving quite incoherently, and called out for a stick to kill every one that was near him. He recovered speech sooner this time, but did not recover consciousness so soon. He had a great difficulty in getting out the words. The paralysis of the tongue remained, and after this he dragged his limbs more than he used to do. I attributed these fits and his general condition to disease of the brain, and from the symptoms I thought it was softening of the brain. I did not see him again till April, 1859. I was called in on the evening of the 15th. He was lying in a very weak state. I was informed by Mrs. Crawford that he had been ill for three or four days. She told me that some days previously he had become sort of stupid, and that it was a bilious attack; but from the symptoms I thought he had had a slight attack of paralysis again. She told me that she had given him some medicine, but it had done him no good. I examined his pulse, which I found exceedingly weak—scarcely perceptible. I questioned him frequently, but the only answer I got was "You," and that only once. I saw he was dying, and medicine was unnecessary. I ordered him a little wine and water, and desired Mrs. Crawford to intimate to his friends immediately that he was dying. I saw him four or

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five times next day (Saturday). I found him in the same dying state. He never rallied at all. When I saw him on the Sunday morning he was just expiring. He died on Sunday in the same state as he was on Friday. My opinion is that he died of softening of the brain, and I so certified to the registrar. I saw Colonel Maclean occasionally not professionally. I saw him only once on the street. That was the only time I ever saw him dressed. He was walking very badly. He had a waddling kind of gait, and had not quite the command of his legs. He was very much bent. His talk was very much the reverse of decent. It was very obscene, and most of his stories were of that character. That kind of conversation seemed to give the old man pleasure. From the time I saw him first he became weaker both in mind and body. He was evidently breaking up. One time we had a conversation as to what was the matter with him. I said I thought it was apoplexy that he had, and he was quite rejoiced at the idea. He said it was a very aristocratic disease to die of. He said also that all great military authorities had died of that disease, and mentioned the Duke of Wellington, Sir Henry Hardinge, and various others. I never asked if he had relations, but once Mrs. Crawford mentioned Ralph Maclean's name. The Colonel got into a great rage, called Ralph a blackguard, and said he had given him thousands of pounds, which he had spent in debauchery. He kept repeating that for some time. When he was in a great rage, he could scarcely speak at all—the effort was too violent. The disease of which he died was, I think, present during the whole time I knew him. To the best of my judgment he had the disease for at least nine months, and I mentioned that in the certificate. I should have liked to have had a post-mortem examination. Mrs. Crawford asked if I would like to have one, and I said I would, but I did not like to go on without having authority from some of his relations. Softening of the brain may exist for years. If he had had similar attacks before I knew him, I would infer from that that the disease was present at that time.

Cross-examined by the *Lord-Advocate*.—The Colonel gave out that he was a very poor man, and I only charged him for my visits as I did any labouring man. When I knew he was a rich man I increased my charges. He was called Major Maclean, but I never thought he really occupied such a position. I did not hear of a will until the night before he died. On one occasion before the Colonel's death Archd. Morrison asked me in Glasgow what was my opinion of Major Maclean. He said he was a friend of his, and that he had an interest in the Colonel. I could not suppose that he had any other interest than a friendly motive in asking about the Colonel. He called upon me in my temporary lodgings in Glasgow. This was during the winter before the Colonel's death. I had never seen Morrison before. He didn't tell me that he was a nephew, and I didn't know if he was a relative, or a friend merely. When he asked for the Colonel, I thought that probably there was some litigation here, and I didn't give my opinion. Mrs. Crawford had told me that some friends had entered a law process against Colonel Maclean. She told me this some weeks before, on coming up from the steamer. Mrs. Crawford told me that the Colonel had some money, and was to leave her some, but I thought this was nonsense. Some persons in Millport called him a colonel, and others called him a colour-sergeant. I took the Colonel to be about eighty years old. I don't mean to say that a man of eighty, who is bent, or who walks totteringly, is necessarily insane. I don't think that indulging in loose conversation is a symptom of softening of the brain. Softening of the brain very often affects the mental powers. There are cases on record where patients, dying of softening of the brain, were not insane. A man with such disease has never the same power of reasoning as before. I don't know the reputation of Sir William Hamilton, but I think that if he had a stroke of apoplexy he would not have been as able to lecture as he had been previously. I think that after the second

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time I saw the Colonel he would not be capable of conducting his affairs. If he could write intelligently and consistently on matters of business after that, that would make me qualify my opinion. I would have thought him capable of managing some affairs. It was, I think, after the second attack, in May, that I saw him on the street. When he saw me he began to curse and swear at me. He said doctors were a d—d set of impostors; they made people worse than they were. This would be after I had applied galvanism to him.

Re-examined by *Mr. Young*—He lived like a poor man, and I only saw him once dressed. The clothes he wore in the house were shabby. The house was dirty. He had been charged, by Dr. Waddell, just as poor people are charged.

Letter, Colonel Maclean to Mrs Captain Macdonald.

Millport 26th Augt. 1858

My Dear Marion—Donald who entered chearfuly on your business, and who you will cause to take the different articles out of the trunk and box and place them as you wish before he quits, to see his relations in Ross where he was so anxious to go at the same time with his uncle who might have behaved better to both him and myself than he has done, Write to me and I shall enclose it to our sister—

When he goes round he will will see the eagle's nest out of which I was fed when a child, to which the servant descended by a rope fixed to a peg, and filled a great coat with game he found in it, and put a stopper on the tails of the young eaglets my father firing power at the two old ones to keep them from throwing the servant down the rocks, the place is now much easier of access Those I suppose that pearched on the house the day I was born, then in winter I was bathed through the ice in *Ault na Grough* the banchee river the dogs Garlose and and Watch drove two deer out of the wood on Loch Uisk which was frozen the lost there footing, lay sprawling, the servants out with ropes cut their necks and dragged them in that that is the manner I was reared and brought up in—yet I was better pleased of what I had seen of the world, than if I had left a million to my friends—Glory be to the Almighty God for the variety I have passed through in life Tell him to get the two book from Macintyre with my compliments and if he does not give them to him with good grace to say that had it not been for me, that he would have no estate Donald was worth of anything that could be done for for him, Lorne Macdougall, who I got to leave the country has done well when his worthy father lost his life I walked down to Greenock from Glasgow in five hours to see his mother he was then an infant on the breast he is doubly our relation, What a pity it was that Catharine did not go to his neighbourhood.

I have cause to be grateful to the real natives of Mull for they never turned out to any of the Hectors or to Lachlan more alert than the did to Duncan of the loud hollow when the man with the white trousers from Tobermory was at Portven at noon, and the first gun was brought seen or heard in Mull Ian Larnach More saved the honor of Scotland greatly to the satisfaction of the king and country and Duncan saved Mull his native island when invaded by the Macduffies Yours affectionately

Mrs Capt. Macdonald
Tobermory Mull

A. MACLEAN.

Copy of Holograph Will.

I.—WRIT (without date), signed 'ALEXANDER MACLEAN, late Lt.-Col. 3d W. I. Regt.,' recorded in the Commissary Court Books of Bute, at Rothesay, 9th August, 1859.

I Alexander Maclean being in good health and sound judgment thank the Almighty God for the same and considering the certainty of death and the uncertainty of the time of living,—make this my last will and testament and revoke all and any will formerly made by me. To the three parish churches of Mull and Iona I bequeath Twenty pounds each for vessels for the elements of the sacrament and Ten pounds to the poor of each parish—I bequeath three pounds yearly (*Darach*

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Deadh Denadas) *Good conduct donation* to poor boys of the surname of Maclean lawfully born from seven to fourteen years of age to pay for learning to read, write, cipher, and a Bible given to each, the first year after my demise to commence with ten boys and five to be added yearly, making the number to the first seven years only forty (40) then twenty to be added yearly and the entire number made up to one hundred and forty (140) twenty to be struck off yearly (as they have completed seven) and twenty nominated in their room and so on in rotation each boy when his name is entered on the list to have his number placed before it commencing with No. 1, and so following in succession that the last may show the total number that have benefited—The greatest care must be always taken that the most needful and destitute are selected, and only one boy of a family can be borne on the register at the same time ~~except in the case of orphans when two brothers are admissible under the aforesaid restrictions~~. To prevent any fraud or imposition a certificate from the clergyman countersigned by two respectable inhabitants of the parish in which the boy resides must accompany every application before the boy's name can be entered on the register, the Christian name of the father with the maiden name of the mother must be entered, for insertion As a further stimulus of ambition and to excite a proper spirit and encouragement to good conduct and to use every honest means to raise themselves to a respectable position in society—An annual bursary of Twenty-five pounds a-year for four years to be given to the best scholar, most talented and well conducted of them to prosecute their studies at any of the universities in Scotland and qualify themselves for a learned or scientific profession, each to name his calling with a faithful promise [*the word promise interlined*] of due application to insure success before he can be nominated,—Should any of the recipients at school or college neglect to learn or show corresponding progress to their time or be guilty of any miscoduct they are to be struck off the list by remark placed after their name with date, then [*then interlined*] without any redress,—The respectable of their own name in their different localities should have an eye to them and advise them to good behaviour.

To accomplish this I bequeath in property in the 3¼ p. cents English funds (L.20000) Twenty thousand pounds.

The accounts to be made up yearly or half-yearly balance struck and carried together with interest of the same and added to the original amount of the fund a column for each year and one for the total to follow there names with year at the top and total at bottom show the sum expended each year, and extended at the end of the seventh opposite each individual also a scale showing the difference between receipt and expenditure. The executor present at the nomination or examination of candidates to sign to the correctness—I nominate the following trustees and executors Dr. Charles Maclean, Medical Department, Major-General Alan Maclean, General Sir Archibald Maclaine, and his two nephews R^d^ Angus and George Osborne Maclaine, Alexander Maclean, Pennycross, ——— Maclaine of Lochbuy, H F Maclean, writer, 5 Hill St. and F. J. G. Maclean writer 32 Great King St. Edinburgh.* In accordance to the wishes of my mother the remains of her father John Lorne Maclean to be exhumed from Knock in Mull and interred in Rolic Oran Island of Iona in the grave of his father Alean MacCharlich, Alan Maclean and his ansestor (Ian Larnach Mor) the great John Lorne Maclean is desire being undiscovered till after his funeral which last must be done before this is brought into being.

ALEXANDER MACLEAN
Late Lt. Col. 3d W. I. Regt

II.—WRIT, dated "Millport, 6th Feby. 1859," signed "A MACLEAN;" also recorded in Commissary Court Books at Rothesay, 9th August 1859.

Millport 6^th^ *Feb*^y^ 1859

I further bequeath to my Housekeeper Janet Macdonald Mrs Hugh Crawford

* P.S.—In default of Executors the recipients to elect from their own numbers qualified men to discharge the duty and look to the interest of the fund that it is faithfully applied

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Fifty pounds ["*pounds*" *interlined*] a year during her life L50 specially for her own use and should she die before her two daughters Mary and Janet Crawford the same to be divided in two equal parts and continued to them until each arrive at the age of twenty-one ["*one*" *interlined*] years old provided they live with their grandmother Mrs John Macdonald, if then in life. There will be a considerable accumulation particularly for the first seven years—This together with all increas that has accruied or may arise or fall due to me and residue then or hereafter I bequeath to the fund. Any arrangement I recommend a circular to be sent to each of ["*each of*" *interlined*] the trustees and decided in favour of the majority of members otherwise the act not to hold good. In 1874 perhaps it might be as well to subscribe to a new Government Loan—banks and mortgages at time don't turn out well

A. MACLEAN.

Dr. Skae, Dr. Bucknill, and Dr. John Brown were here brought into court, and his Lordship having read the above portions of the evidence to them, and some of the documents:

DR. JOHN CHARLES BUCKNILL.—*Examination in Chief by Mr. Young.*—I am a Fellow of the College of Physicians, London, and resident physician in the Devon County Asylum. I received that appointment seventeen years ago; I have been resident more than sixteen years. During all my professional life, I have given great attention to mental disease, and have written repeatedly on the subject. I have been much consulted in cases in which insanity was brought into question.

Q. You have heard a good deal connected with Colonel Maclean, who died in his 81st year, on 17th April, 1859. In particular, you have the evidence of Dr. M'Gowan, who attended him between 4th February, 1858, and his death, who speaks to the two attacks that year in February, and in October also, to the last illness. You heard the evidence of the servants, who were alone in the house, as to two attacks in 1855, two of a similar nature apparently in 1856, and I think also two very similar in 1857. You have also heard the evidence as to his mode of speech, and his manner of walking. Have you heard enough to enable you to form an opinion as to his state of mind, applying your knowledge and experience to the case?—A. In my opinion I have.

Q. Would you have the kindness to tell us what that opinion is?—A. I consider that the attacks which I have heard described were of a kind which would be incorrectly described as pure apoplexy, or as pure epilepsy, but as partaking of the nature of both; and such attacks we see in cases of chronic insanity. I think it is probable that the first attack, or that attack which left paralysis of the left side and paralysis of the tongue, was of an apoplectic character; but that the subsequent attacks were of a modified character—modified by the amount of disorganization left in the brain by the first attack itself, and by the progress of age and disease.

The Lord Justice-Clerk.—Q. What disease?—A. It is not im-

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probable that in this case there was atrophy of the brain—wasting of the brain.—A. With reference to the description which I should give of the mental disease, it would be one of general insanity tending as it progressed to a state of fatuity.

Mr. Young.—Q. I wish you to know that Colonel Maclean entered the army early in life, and was in the army the greater part of his life, and that he spent no less than thirty-three years in hot climates, in the West Indies, and in Africa; in 1840, he went to Sierra Leone, and returned in 1843; he was then unwell, but was recovering, and you may assume that he had a sun-stroke in Africa. He returned to this country in 1843 from Africa, and went to St. Kitts about 1844, and returned in 1848. He went to reside at Millport in 1850, and in 1850 and 1851 he lived in an inn during the summer season, and came to Glasgow in winter. In 1852 he took up his residence there, and remained till his death; and I think his condition from the first in Millport may be taken to be very much of the nature you have described. He always stuttered in his speech more or less, but that got worse, and, in particular, it got worse after these attacks. He did not pursue one subject continuously, but was in the way of jumping to one thing from another—telling one half a story, and then passing to another, without completing anything. He was fond of obscene language to women, and you heard the evidence as to little girls. Do these facts enable you to form an opinion as to whether his brain was diseased so early as the time I am speaking of when he went to Millport—say 1850 and 1851?—A. That is before any attack of apoplexy, or any of the fits?

Q. So far as I know.—A. They lead me to conclude that he was insane at that time.

Lord Justice-Clerk.—Q. So early as 1850?—A. Yes. With reference to the stutter it does not clearly appear whether it was the effect of palsy or a natural stutter, because I think I heard it stated that it was remarked by the officer who knew him long prior to that.

Lord Justice-Clerk.—No; he talked of his muttering to himself; but he did not say anything about stuttering.

Mr. Clark.—I rather think he did.

Mr. Young.—Q. Assume at present that there was no stutter in his speech—no impediment in his speech at the time Captain Mahon speaks to?—A. I should conclude from the mental symptoms alone, without reference to any symptoms of physical disease, that at that time he was decidedly insane.

Lord Justice-Clerk.—Q. When he came to Millport?—A. Yes.

Mr. Young.—Q. And keep in mind that the first attacks of the nature you have heard described, so far as we are aware, were in 1855. You think, nevertheless, that his mind was affected before that?—A. I do.

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Q. You have had great experience of all sorts of insanity?—A. I have.

Q. Was this insanity which in your opinion, judging from what you have heard, was upon this old gentleman, inconsistent with his writing letters upon subjects of business rationally?—A. No; simple letters.

Q. Is it according to your experience that insane people write simple letters of business, so that you could not from them discover any traces of insanity?—A. It is indeed.

Q. It is not an uncommon thing?—A. I will give an example of it. There is a gentleman who has been an officer in the Indian army, and who is under my care, as committee of his estate and of his person under the Court of Chancery; he wrote a letter a few months ago, which was sent to the solicitors in London, so coherent that they sent it to me to know whether a writ of *supersedeas* of his lunacy ought not to issue. He was under inquisition. I visited him immediately, and found that he was full of delusions as bad as ever—a vast number of delusions.

Q. What was the subject of that letter?—A. His affairs.

Q. And that is not a solitary instance?—A. I could instance a great number of cases.

Q. I read you the letter which he wrote in August 1858 to his sister about the eagle's nest. [Shown letter, No. 456 of Process.] Is that the letter of a sane man?—A. I don't consider that that letter was the letter of a sane man. I think that with reference to being fed out of an eagle's nest, a man might be fed out of an eagle's nest; and I am not sure that I have not heard of game being taken out of an eagle's nest; and he might have been subjected to the very severe discipline of being put through the ice to be bathed; but I think altogether when you take the whole circumstances which he describes, it constitutes what I don't hesitate to say is a tissue of insanity—is the letter of an insane person.

Q. That is such a letter as you would not be surprised at Colonel Maclean, with the opinion you have of his case, writing at that time?—A. Certainly not.

[Shown No. 62 of Process, instructions for will.] Q. Suppose Colonel Maclean to have written that in 1856, would that at all alter the opinion which you have expressed?—A. It would not.

Q. Is it such a will as you would not be surprised at an insane man writing out with his own hand?—A. It is such a will that I should not be surprised at his writing.

Q. Is it according to your experience, that wills of that description, founding institutions, often occur to the minds of insane people?—A. I cannot say that of my own experience.

Q. Suppose he wrote, with that will, to his man of business, a

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short simple letter, telling him to make a will accordingly, would that alter your opinion?—A. No.

Q. You think he might have quite mind enough to do that, and yet his mind be diseased?—A. Yes.

[Shown No. 63 of Process.] Q. Assume that he wrote that with his own hand on the 6th February, 1859, does that affect your opinion?—A. That does not change my opinion.

Q. In short, you have no doubt that from 1850, and at all events from 1855, when he had these attacks till his death, his mind was diseased?—A. I have no doubt.

Q. Would the fact of a sun-stroke in Africa be confirmatory of the view which you have taken?—A. Yes, because it would give a cause of his subsequent disease, which is known in other cases to to have occasioned similar disease.

Q. Even after a lapse of time?—A. Yes.

Q. Suppose that he had no sun-stroke at all in Africa, how would that affect your opinion?—A. I have had many cases under my care of insanity following residence in hot climates in which there was no evidence of sun-stroke.

Q. In short, the absence of a sun-stroke would not change your opinion?—A. No.

The Lord Justice-Clerk.—Q. You would draw the same conclusion from the other facts, though the sun-stroke was not a fact in the case?—A. Exactly; but the proof of the sun-stroke would go to strengthen my opinion.

Mr. Young.—Q. Is obscene talking, and evident pleasure in it, a common symptom of such mental disease?—A. It is not an unfrequent symptom.

Q. Is it a common thing for men whose minds become diseased to change all their feelings towards their relations?—A. It is a very common symptom.

Q. One of the commonest?—A. One of the commonest.

Q. And to hate those whom they formerly regarded affectionately?—A. Exactly; and to entertain erroneous opinions respecting them.

Q. To suppose things to be true of them which are not?—A. Yes.

Q. That a sister has had bastard children, for example, who never had any?—A. Just so. Mere hatred would come under the head of a derangement of the emotions or the affections. The other would come under the head of intellectual derangement.

The Lord Justice-Clerk.—Q. The latter would be a delusion?—A. Exactly.

Cross-examination by the Lord Advocate.—Q. Tell me what the materials are which lead you to the conclusion that in 1851 this gentleman was insane?—A. Allow me to say, that, having heard

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the evidence here, I do not take from my perusal of the printed forms which I scanned over the facts upon which I form my judgment. I form my judgment, of course, on what I have heard in this court, and, therefore, it is difficult to remember dates exactly, and the sequence of events. But I remember, as I sat here, having heard these things described, first, a servant found him under his bed; another time he was found lying on the floor of his bed-chamber, and when asked what was the reason for it, he said that there were soldiers in the bed with yellow fever. Then he told one of his relatives, the illegitimate son of his brother, that his sister had behaved in a manner which would have probably justified his anger if it had been true, but which was not true, and which was a delusion with respect to her.

The Lord Justice-Clerk.—Q. That is about Mrs. Morrison being an adulteress?—A. Exactly. Then his language was obscene, and obscene towards little girls. His conduct was obscene also towards children of tender age. His habitual language appears to have been such as was quite inconsistent with the character of one of Her Majesty's officers, and an educated gentleman—a gentleman,—I assume his education. He was suspicious, kept the doors locked, and the windows nailed down. He seems to have taken a pleasure in telling stories, but he does not appear to have had mental capacity to follow up the train of thought which any story suggested, and he constantly broke off and rambled from one story to another, so as never to end any story except one, and that was an obscene story.

The Lord Advocate.—Q. Are these the principal materials on which you proceed?—A. I think these are the principal materials.

Q. Do any of them separately indicate insanity?—A. I don't think that insanity ever can be proved by one single fact.

Q. But supposing he had not been found under his bed till much later than 1851, and that that about having men with yellow fever in his bed was much later, and that the conversation about his sister was also much later, do you find sufficient materials for arriving at the conclusion that he was insane in 1851?—A. As I said from the first, my memory will not serve me from having heard the statements here now, to say how much was proved to have existed in 1851, and how much subsequently.

Q. Supposing it was proved that he used obscene language, and that he was in the habit of breaking his stories off in the middle, and you had no other information about him at all, would you be able to say with confidence that that man was insane?—A. No; certainly not on these two facts.

Q. I suppose a man locking his door is not absolutely the act of an insane man?—A. Certainly not. Allow me to explain what I mean by saying that no single act would show insanity. I would state as an illustration that no single sign of death could be taken

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as a sign that a man was dead, except his body was actually putrified; but if you found a man lying stiff and cold and without breathing you would have no difficulty in saying that he was dead. Speaking from all the materials I have here, I have no doubt Colonel Maclean was insane.

Q. But they don't separately indicate insanity?—A. No.

Q. And those I mentioned to you—the obscenity and the breaking off of his stories—would not indicate that. A sane man might have these peculiarities?—A. Yes; a sane man might have these peculiarities.

Q. And if you knew no more about him than that, you would have no materials at all to judge whether he was sane or insane?—A. I should have such materials as those were; and if you added to those materials, they would be of value. Taken by themselves they are invalid as proofs of insanity. They are not sufficient to prove insanity.

Q. In other words, a man may have full possession of his senses and talk obscenely and may ramble and break off in the middle of his stories?—A. Yes.

Q. You say that a man may be quite insane and yet write intelligent letters on business. What is it that you think an insane man cannot do in the way of business or transacting affairs?—A. An insane man cannot take a sensible and sane view of his relations to the world, to his affairs, to his relations, and to things in general.

Q. But would you say that every man who does not take a sound view of his relations to the world, and his relations to things in general, was insane?—A. No.

Q. There are a great many men who take very unsound views of their relations to the world who are not insane?—A. There are, from other causes—from ignorance, want of education—passion.

Q. Then you think a man may be insane and yet may pursue with apparent intelligence, through a course of years, a plain and simple design in regard to the settlement of his own affairs?—A. A plain and simple design—yes; that design being an insane one.

Q. But supposing the design is not an insane one?—A. He may pursue it still being insane. An insane person may make a will.

Q. A sane testament?—A. No, not a sane testament. An insane person may make a will.

Q. But supposing you found that a person had pursued, through a long course of years, a clear intention and design, not insane but rational enough, and had given clear and connected and coherent instructions upon it over a course of years, do you think an insane man could do that?—A. Yes.

Q. It would make no difference in the case, then, supposing you had found that for a period of twenty years this gentleman had

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managed his own affairs with prudence and discretion, conducted himself in the different relations of life in regard to his money matters, as an ordinary person would, and had been in the possession of the management of his affairs during the whole time —A. That would not change my opinion.

Q. Do you find anything insane in the instructions for the will?—A. I suppose you mean if the will were put in my hands, and that I did not know from whom it came.

Q. Yes.—A. I should say it was a very strange will. It would lead me to suspect the condition of the man's mind.

Q. What is there strange in it?—A. I think it is a strange will by which a man bequeaths his property to persons who are not related to him, and who are in no way connected with him except by name. I am aware that wills have been made of that kind before. There is Dulwich College, for instance. But I think it is a very strange will, and such a will as would make me suspect the condition of the man who made it.

Q. You mean that you would suspect the will of every party who left his money to persons who were not related to him, of the same name?—A. To 140 persons of the same name, who were not related to him.

Q. You think that is a proof of insanity?—A. No, I never said that.

Q. You say that would lead you to suspect that the man who made it was not quite right?—A. You may take it in that way if you like. It would lead me to suspect the sanity of the man.

Q. Do you think it would be an indication of insanity if a man were to leave his money for the education of children, on the condition that they should walk about bare-headed wherever they went?—A. No; I don't think that would be an indication of insanity. That was the mode of life then; people did not wear hats.

Q. You have heard of George Heriot?—A. I have.

Q. Supposing he left his money to people of his own name, with whom he had no connexion otherwise, do you think that would indicate that he was mad?—A. I think it would quite justify his relatives in examining into his state of mind; and if they found other very strong proofs, it would justify them in testing the will.

Q. In short, without saying that it is an absolute proof of insanity, you think it leads to a very strong suspicion of it?—A. I did not say very strong suspicion—I said a suspicion.

Q. Excepting that, is there anything in this will that leads you to think that the person who wrote it should have been under your care?—A. It is all the will. I think there is nothing else in the will.

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Q. You don't say it is irrational, but it does not accord with your notions of soundness of mind to do it?—A. No.

Q. You said that the letter about the eagle's nest was an insane letter. Tell me what there is in it which would lead you to say that it is the production of an insane man. Is it the sentiments, or is it the style of the writing, or is it the mode of expression?—A. I think the writer of this letter appears to connect the mode of his bringing up with these facts.

Q. Which facts?—A. The facts of his being fed from the eagle's nest, and the eagles lodging upon the roofs of the house, and the deer being driven from the woods, and sprawling on the ice. He connects all these facts with the mode of his bringing up, as if there was something peculiar in these facts, like dipping Achilles by the heel into the Styx.

Q. Is not this a letter about Donald who is going to Mull to see his relations, and is he not told that he will see the eagle's nest, and the places to which the letter refers?—A. Yes.

Q. Well, there is nothing insane in that?—A. No.

Q. And he says he was bred up, being bathed in the cold water through the ice, in a hardy way?—A. Yes; there is nothing insane in that. He speaks about the eagles.

Q. You think that looks insane?—A. Yes, I think altogether it looks insane.

Q. But supposing that about the eagles is true, every word of it, as it is there?—A. If you prove all these things to be true, that would diminish the value of this letter as a proof of insanity.

Q. It is assuming that these things are not true that makes you think that that is the letter of an insane man?—A. Yes; and also assuming that they have some connexion with him as being a great person brought into the world; like Glendower's portents.

Q. But suppose there was a cave close to his birthplace, where there was an eagle's nest, and that it was the habit of the inhabitants to take the game from the eagle's nest in that precise way, you would not think that so very absurd?—A. No; that is, if you assume at the same time that he did not attribute to himself some character derived from these facts.

Q. Don't you think, before you could come to a conclusion upon it, that it would be necessary to see the letter to which that is an answer?—A. I think if I saw the letter to which that was an answer, it might alter my opinion—it might modify it certainly.

Q. In short, it is always better to see the letter to which another letter is the answer?—A. Yes.

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MONDAY, 5*th August*, 1861.

Dr. BUCKNILL.—(*Examination continued.*)

Q. *By the Lord Advocate.*—A. I have said that I think the first attack spoken to was pure apoplexy; I speak of the first fit, which caused paralysis of the side and paralysis of the tongue.—Q. Do you attribute that attack to previous disease of the brain, or was the disease of the brain produced by the attack?—A. I attribute the attack to previous disease of the brain. Allow me to say, that in speaking of that attack as being probably of an apoplectic character, I was not at the time aware that he had had previous convulsive attacks. But assuming that he had previous attacks, that makes no difference on my opinion, except that perhaps it would modify, in a purely pathological point of view, the opinion that it was pure apoplexy.

The Lord Justice-Clerk.—Q. You speak of the previous attacks now as epileptic attacks, I suppose?—A. It is a bastard form between epilepsy and apoplexy, which is common in these cases of chronic insanity. It partakes of the symptoms of both, of course.

The Lord Advocate.—Q. You have had information about the previous attacks since I last examined you?—A. I question where I got the information, but I have heard it mentioned.—Q. You said the other day that the first attack you considered to be pure apoplexy, and you modify that now by saying that you did not know when you said that, that he had had previous attacks?—A. Yes, that is so. I have no information which could lead me to a correct opinion as to the nature of these previous attacks; I merely know that he had previous attacks. Supposing I had no other information excepting what related to that first attack, which I think was pure apoplexy, I would attribute it to disease of the brain previously existing Apoplexy does not always arise from a diseased condition of the brain; it might arise from a diseased condition of the vessels of the brain connected with a diseased state of the heart. There is always disease of the vessels of the brain, or a tenderness of a vessel of the brain, or a brittleness of the vessels of the brain, in pure apoplexy. The evidence which I have of disease of the brain, afforded by the mental condition of the patient before the attack, would lead me to the conclusion that this arose from previous disease of the brain. I assume that I have satisfactory evidence of that mental condition. But for the antecedent evidence, there was nothing in the symptoms, as described, of that first attack that would necessarily lead me to the conclusion that there was previous disease of the brain. An attack of that kind is not inconsistent with the patient's recovery, both physically and mentally.

Q. *By Lord Justice-Clerk.*—A. I mean an attack of simple apoplexy.

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The Lord Advocate.—Q. You said that you thought the other attacks were apoplexy and epilepsy combined. Will you tell me what the symptoms were that led you to that conclusion?—A. Did I say combined, or did I not say attacks intermediate in character between them?—Q. What led you to the conclusion that it was intermediate between apoplexy and epilepsy?—A. Because there were certain symptoms which are most frequently seen in apoplexy, and others which most frequently occur in epilepsy. The main symptoms which resemble epilepsy are, the cry when the patient falls, and the foaming at the mouth. The symptoms which would seem to ally these attacks to apoplexy are, the age of the patient and the duration of the attack. I ought also to say, that the repetition of these attacks in a person supposed to be insane makes me believe that they were of the character I have described, because I know that such are the kind of epileptiform attacks to which such persons are most liable. I mean those attacks which partake partly of epilepsy and partly of apoplexy; they are the kind of attacks which I see frequently in cases of chronic insanity.

Lord Justice-Clerk.—Q. The result of that seems to be, that persons of unsound mind are liable to this species of bastard attacks?—A. Yes.

The Lord Advocate.—Q. But would it have surprised you, looking to the age of the patient, if you had found him exposed to an attack of that kind, although his mind was not at all diseased—would there be anything at all unusual in that?—A. No.—A. It is very hard, perhaps impossible, to say what is cause and what is effect in these cases. No pathologist that I am aware of—I think no cautious pathologist, would attempt to say what relation these attacks bore to the insanity as cause or effect, or concomitant or part of the disease.—A. It is a kind of attack that not unusually co-exists with insanity, but which may also co-exist with sanity.—A. In an attack of that kind, whether I should expect to find the patient able to speak immediately after, would depend on whether the attack affected the nerves which supply the muscles of the tongue. In some cases patients are able to speak soon after; in other cases they are not.—A. The foaming at the mouth, and the cry before falling, are the principal indications of an epileptic attack, but they are not certain indications of epilepsy, because they belong to the kind of attacks which we are talking about, which are not pure epilepsy.—Q. They may belong to other attacks which was not pure epilepsy, may they not?—A. I don't call to mind any other form of disease to which they might belong. But I am not prepared to say that there is no other form to which they might belong.—A. I attribute the insanity, which I have been led to conclude existed, to chronic disease of the brain. I would call that disease a pathological change in the nutrition of the brain.

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Lord Justice-Clerk.—You called it an atrophy before?—A. No; I think I said that in this case atrophy commenced towards the latter stage of the disease.

The Lord Advocate.—Q. It is what is generally called softening of the brain?—A. It is not what is accurately called softening of the brain. Unfortunately the term softening of the brain has come to have a very loose significance. The disease is substantially a change in the nutrition of the brain—in the action of the functions which nourish the brain, leading to unsoundness of mind, and leading to the apoplectic attack also.—Q. Is it ordinary in cases of that kind that the first attack should be of apoplexy and paralysis of the one side—is that the usual indication of it?—A. I cannot say that it is; the symptoms of these attacks are so various, that although such a result of the first attack is not uncommon, I cannot call it the usual form. The usual form is an attack of an apoplectic character, with stertorous breathing and loss of consciousness, and it is not the necessary consequence of that attack that paralysis of the side or of the tongue should be left after it.—Q. But still in every apoplectic attack stertorous breathing and want of consciousness may be looked for?—A. Want of consciousness and an affection of the breathing,—stertorous breathing—yes, I think so.—A. I don't consider the paralysis as a necessary indication of that disease. I cannot tell how long it had been going on.—A. There was nothing in the insanity so produced to prevent his writing an intelligible letter about the settlement of his affairs.—A. I should think, if he attempted to command a regiment, he must do it in a very strange manner,—in such a manner as would attract notice.—A. If I found that he did attempt to command a regiment, and did not do it in a strange manner, I should conclude that the disease had not been established.—Q. In short, that he was sane?—A. The commencement of insanity frequently is so very insidious that it is impossible to say where the actual commencement is; you can fix a point where a man is sane, and you can fix another point where he is insane.—Q. But surely there is a point at which a man ceases to be sane and becomes insane?—A. Exactly, just as there is a point where a man is sober, and a point where he is intoxicated; but it is impossible to say which glass of wine it was that made him drunk.—Q. But do you think there is no more difference between a sane man and an insane man, than there is between a drunk man and a sober?—A. Yes, a vast difference; I only give that as an illustration of what I mean.—Q. Sobriety is a matter of degree, but is sanity a matter of degree?—A. No; insanity is a positive state of mind; at the same time it comes on in the insidious manner that I mentioned.—Q. Was the insanity under which you think Colonel Maclean laboured in any stage of it consistent with his commanding a regiment?—A. No, I cannot admit that an insane man could

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ever command a regiment, and if he commanded a regiment in a proper manner, I should say that at that time the man was sane.—Q. Was it consistent with his doing the ordinary duty of a regimental officer?—A. It is impossible for me to say how much his superior officers might overlook in his conduct.—Q. If he went through his ordinary duty as a regimental officer in an ordinary creditable manner, would you or not conclude that he was sane?—A. Now you have put it in that way, I can say positively that I should conclude that he was sane,—in an ordinary creditable manner, recollect.—A. A man is not necessarily insane who is found under the bed.—Q. Suppose he kept his portmanteaus under the bed, and all his clothes in these portmanteaus, he might have gone under the bed to fetch his clothes?—A. That certainly would satisfactorily explain his being found there.—Q. As to the hatred to his relations, you assume that he had no ground for the dislike?—A. I don't think I said so; I assume that he had no reasonable or sane ground; I think I also omitted to mention a fact which was read to me, that he said he had no relations, and I assume what was read to me as the evidence to be true evidence.—Q. Supposing it turns out that he had good reason to be displeased with his relations, that his being found under the bed was an accident, and not a symptom of disease, and that those delusions that you supposed he laboured under, he did not labour under, is there anything else in the whole history of this case that would lead you to suppose he was insane?—A. I think there are some points which, taken almost by themselves, would do so. I think the fact which was read to me, that he was found lying on the floor, and when asked why he was lying on the floor, and not in his bed, he answered that there were soldiers in the bed who had yellow fever,—I think that is a single fact which tells very strongly. That would lead me to the conclusion that at that time his mental faculties were deranged.—A. I should want the history to tell whether I considered that derangement a chronic or an acute state.—Q. And without knowing the whole history of the man's life, can you possibly found a sound conclusion as to whether the symptoms indicated insanity or not?—A. Yes.—A. A temporary delirium is a very frequent attendant on apoplectic and epileptic attacks of that kind.—A. The patient may recover his senses completely, though he has been exposed to this delirium during the attack.—Q. And therefore this gentleman might think there were soldiers with yellow fever in his bed while he was under the attack, and yet not be of unsound mind?—A. Yes; that was what I meant to indicate by saying that it would require the history of the case to show whether it was insanity or delirium.—Q. Do you still say that for a man to leave his money to 140 Macleans is an insane affair?—A. Not in itself; I don't think I said it was, in itself. I said it indicated insanity, and I still think so, but I don't think it proves

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insanity.—Q. Suppose he left it to endow an hospital for insane Macleans, do you think that would have indicated insanity?—A. What if there were no insane Macleans after he died?—Q. Do you think such a provision would indicate insanity?—A. I think it would indicate insanity. Understand what I mean by indicate—I mean to say that it would be a strange and uncommon occurrence—an uncommon kind of thing, which would justify the relations in making inquiries.

Lord Justice-Clerk.—Q. In short, it would be a material fact in an inquiry of that kind?—A. Yes, of course it would.

Lord Advocate.—Q. Because he was leaving it for the benefit of persons of whom he knew nothing?—A. Yes.—Q. Is that the peculiarity of it?—A. That is part of the peculiarity; it is not the whole of the peculiarity.—Q. Are you aware that there are a great variety of endowments in the universities of Scotland, left very much in that way for the benefit of students of a particular name?—A. That has been mentioned to me since Saturday. I did not know it on Saturday.—A. I don't think that indicates insanity by itself.—Q. Suppose, instead of leaving it to 140 Macleans, he had given it to one Englishman, to be educated at Winchester School, there would be no insanity there. If there was nothing else in this case, do you think a man leaving in his will an endowment to lads of the name of Maclean was in any respect insane?—A. I should think it an indication.

To Queries by Mr. Young.—A. In forming an opinion upon this or any case of the kind, I could not with any safety take one circumstance by itself. I must take all the circumstances together, and consider the case by the light of all the circumstances. And the evidence to my mind of insanity may be quite conclusive upon the whole circumstances, although any one of them by itself would be consistent with sanity. It certainly does accord with my experience that any other mode of judging would lead to very erroneous conclusions.—Q. Assume, for a single moment, that the first of these attacks partaking both of the nature of apoplexy and epilepsy occurred in the spring of 1855,—but keep in view the statements that have already been made to you as to the history of the man prior to that, particularly from 1850 to 1855,—a lieutenant-colonel in the army, living as he did at Millport, acting as he did there, going about always alone, never associating with any friends or equals, speaking in the way he did, with a stutter, incoherently, passing rapidly from one subject to another which had no relation to it, so much so that he never finished a story, very restless, constantly speaking to himself, speaking loudly to himself when walking alone, roaring out in the room, speaking obscene language to women and children, so that the children ran after him and hooted him in the street,—would these facts in his history, prior to any attack of the

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kind we have been considering, lead you to the conclusion that he was diseased?—A. They would.—Q. The attacks which occurred in the beginning of 1855, and subsequently, are of that nature to which such persons, as I conclude upon the prior history he was, are most subject.—A. The subsequent attacks would corroborate and confirm my opinion as to his prior condition. And the history of his prior condition would give a character to those attacks, and induce me to suppose that they were just of the nature so frequently met with in such persons. They illustrate each other; they form parts of the history of such cases. The subsequent history illustrates the prior, and the prior illustrates the subsequent.—A. You must take the whole together. The later facts enable me to form a more satisfactory judgment of his former state, and the history of his former state enables me to form a more satisfactory judgment of the subsequent facts in his history.—A. And, judging in the ordinary way, according to my skill and experience, I come unhesitatingly to the conclusion that his mind was diseased.

The Lord Justice-Clerk.—Q. From what period?—A. From the time that the evidence of the children and of the servants at Millport embraces.—Q. That is from about 1850 or 1851?—A. Yes, I think so.

To Queries by Mr. Young.—A. Insanity is a positive state of mental unsoundness, but it may be infinitely various in its character and in the effect it has on the individual. As regards its positive character it is quite analogous to bodily disease. There is exactly the same difficulty of fixing the time when the disease of the mind constituting insanity commenced, as fixing the exact time when the bodily disease commenced. In fact, inasmuch as the mental symptoms are less observable and less likely to be complained of by the individual, there is greater difficulty. When a man has a pain in his stomach he is generally quite aware of it, but he is very frequently not aware of the first symptoms of derangement of the mind, and probably never is aware of them. In the case of bodily disease and in the case of mental disease, there is a stage when the symptoms are so manifest that you can pronounce upon its existence. And there are patients, or rather, people not patients, whom I would pronounce them free from it. A man whose mind was diseased might make such a will that a sane man might have made it; but that does not shake my opinion that the terms of a will may be an indication of insanity or the reverse. The fact of writing such letters as those on page 126 [printed letters] to Cox & Co., and continuing to do so down to the year of his death, would not shake my opinion in the slightest degree. I had not seen these letters when I was in the witness-box on Saturday, but after I left the witness-box they were put in my hand and I read them, and I found that in the only two instances in which the Colonel attempted to make a calculation, he

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made a false calculation. The first of these letters to which I refer is one which he wrote to Barbadoes, p. 143, where he says, "I enclose you an order, &c., made payable to yourself, for forty pounds sterling, £40, you have only to put your name on the back of it and get cash for it, you ought to get the dollar at 4s., which would be exactly 400 dollars." Now, it would be 200 dollars. That letter is dated 9th June; and on 27th June he sends another letter to Barbadoes, in which he points out the error he has made, and requests the recipient to make the 4 into a 2. That is the first instance. The other instance is later on. It is when his law-agent, Mr. Martin, writes to him about some claim for money, p. 174; his law-agent puts a series of questions categorically to him, and the fifth question is, "Did you pay for his commission; and, if so, how much?" The Colonel's answer is,—"The circumstance is, the quarter-master of regiment died leaving an infant daughter, a few months old, totally unprovided for, and the pity and compassion of her father's brother-officers were extended to her, I was advised to take the duty, and give 4000 rupees (£500) as a provision for the child." Now, 4000 rupees would be £400. The whole of that answer to the fifth question is very striking. It does not answer any branch of the question; and he repeats at the end, "That child died, and the worthy officers applied the £500 to the establishment of a Regimental School;" so that he repeats the error. He was writing to his own law-agent, whom he had engaged to get him out of a difficulty; and the law-agent seems to feel that there might have been some such difficulty, for he says, "I am very unwilling to give you trouble; but as a lawyer, like a medical man, must know all the particulars of his case to do justice to his client, I must ask you," &c. That confirms the opinion which I have given. The answer to the 7th query, p. 175, is rather confused, but I don't see much in that. I have read all these letters, from the time he was in Glasgow to the end, and none of them shake the opinion which I have formed and stated. They are the letters which I should have expected. Allow me to say that the letters indicate to me a less amount of fatuity towards the end of the case, than the oral evidence indicated, but that does not in the slightest degree change my opinion of the existence of insanity through the whole of that period, and it is not at all an unusual circumstance that these persons do write better than they talk; and it is very evident why, because they lean upon the pen as being, as it were, the staff of the wandering mind, and they see how they go on step by step; they are not so ready to forget what has been done. I have more than 600 patients under my charge. I have people in confinement who could write as good letters as these. There is no newspaper published by my patients, but that is done at Morningside, and in the Crichton Institution, Dumfries, and in New York. They are written by the patients, and some of the writing is very good

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indeed; they make very good poetry, and they write on science, &c. It is not at all an uncommon thing for insane men and women to write letters, from which alone you could not detect their insanity. The steward and clerk of the Devon County Asylum is assisted by a patient regularly; he copies all his forms; I don't know whether he adds and subtracts; but he is employed regularly as amanuensis. I have known numerous instances in which insane patients have written perfectly accurate business letters. I heard the evidence of Captain Mahon read, in which he mentioned an extraordinary howling which took place one evening at Manchester in the Colonel's room. I don't know what to make of it; I must confess my inability to form a very decided opinion upon the evidence of Captain Mahon. It might have been a previous attack of which he got better; I don't know what it was. It was a very extraordinary and remarkable circumstance.

To Queries by the Lord Advocate.—A. The error in regard to the rupees, at p. 174, was, I think, in not being able to calculate the proper sum. I have no doubt he knew how much a rupee was. A rupee is 2s., but it alters with the rate of exchange. It never is 2s. 6d.; I am told it sometimes is 1s. 10d., and sometimes 2s. 2d.; but it may vary a 1d. or 2d. according to the rate of exchange, just as a dollar does.—Q. Is not the answer to the fifth question, on p. 174, just saying this—I did pay for the commission, because I paid £500 on condition that my brother was appointed to that office?—A. Yes, it is an answer. It might have been clearer, I think. It is an answer, and I understand it. I believe it is said afterwards that the commissions were free; the very last letter states that both commissions were obtained without purchase. But the thing itself is distinct.—Q. Is there any known disease that could have produced these apoplectic and epileptic symptoms besides the disease of insanity?—A. I think I told you before that these apoplectic attacks might occur without insanity. They might exist without insanity, from affection of the brain not implicating the mental functions.—Q. And also from affections of the heart?—A. No; I think not. I don't think that a succession of attacks of that kind would come on from disease of the heart alone, without disease of the brain also.—A. It certainly does not argue insanity to make an arithmetical mistake; but when I am asked whether it argues sanity to be able to keep accounts, and when I look over the letters, and see that the only two calculations made are false calculations, I think it does not show any great power of keeping accounts. [Shown No. 236, print F, p. 8 and 10.]—Q. These are pretty large and intricate figures. Suppose the Colonel had accurately balanced that book, and, having struck the balance as at a particular date, had made the calculation on p. 10, and all that was accurately and correctly done, it would certainly be an element which

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ought to be taken into consideration in judging of the power of mind which he had?—A. It would be an important element.

To Queries by the Lord Justice-Clerk.—A. This pathological change in the nutrition of the brain has no name as a disease. It is not softening of the brain. It is not *ramollissement; ramollissement* runs a rapid course. Under the form which the disease presented here, it is an incurable form of disease. During the existence of the disease the condition of the patient varies much as regards his mental condition, to the extent that he is more restless at times, more exciteable and passionate at some times than at others, but never to the extent of actual intermissions of the disease. His intellectual power would be greater at the times when he was less excited, when he was not under the influence of accessions of the disease, such as I have heard described by Dr. M'Gowan; but there would be, notwithstanding that, the usual or ordinary condition of mental disease which would not improve; that is to say, there is a particular condition of mind beyond which he could not advance—I mean to say he would sometimes be worse than others, but not better—that there would be what you would call his ordinary condition, and that that would be altered for the worse when there was any change.—Q. After the disease has made some progress, might the patient be at times in such a condition as, in other cases of insanity, is called a lucid interval?—A. Never; this form of disease does not admit of lucid intervals according to my experience and firm conviction.—A. I assume that Colonel Maclean was subject to delusions. By that I mean delusions affecting his intellect. I think that is the proper way to view the word delusion, although it is not universally so used.—Q. What are the intellectual delusions which you assume to be proved in this case?—A. The belief that he had no relations living; the belief that those persons who were recognised by others as his relations had committed acts and been guilty of conduct which they had not been guilty of; the belief that certain extraordinary events occurred at his birth, or when he was a child, which were portents to announce that a great man was born into the world; his very distinct delusion that soldiers were in his bed with yellow fever. My memory does not serve me with anything else. I find that many insane persons lock the doors and nail down the windows to protect themselves, and they display conduct of that kind frequently under the existence of some delusion or other with reference sometimes to robbers, but it is not very clearly brought out what he did that for. I don't remember anything else being read to me which I could call a proved delusion, although there were many indications of delusions besides.

By the Lord Advocate.—A. The delusion with reference to his relatives I should expect to be permanent,—A. The last delusion I

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mentioned was of a kind which would naturally be temporary; he would see that there were not soldiers in his bed. His bed might be made up or removed into another room, and that delusion would disappear, and some other might take its place.

Dr. Skae.—*To Queries by Mr. Young.*—A. I am a physician and surgeon, a Fellow of the Royal College of Surgeons, and resident Physician in the Royal Edinburgh Asylum for the Insane at Morningside, where I have been about 15 years. I have devoted much attention to mental disease, and my experience has been large. I heard the evidence read in court on Saturday. I had also put into my hands a volume of letters. From the information which I have, I have no doubt whatever in my own mind that Colonel Maclean was insane.

By Lord Justice-Clerk.—Q. From what date?—A. Certainly from 1853.

To Queries by Mr. Young.—A. I say from 1853, because the evidence brought before me on Saturday commenced, I think, in 1853,—the evidence as to certain delusions; but I think there was strong evidence of his being insane before that in the letters which were placed in my hands. I certainly think that his conduct at Millport, as it has been described, is indicative of the same thing. The facts which principally weigh with me in forming my opinion are these: the evidence appears to be clear on the fact, that he was extremely incoherent and rambling, that he never, or at least very seldom, completed a story, that his memory was materially impaired, that his habits were unlike those of a gentleman; his obscene language to children, taken along with the other symptoms, certainly tends strongly to corroborate the idea that he was insane; then he laboured under fits, and had a distinct apoplectic fit in 1855, and it appears he had some illnesses, not unlike fits (though not so clearly described as the one he had in 1855), previous to that. In 1853, I think he was seen under the bed. [*Mr. Young.*—I think that was early in 1855.] Then his talking to himself, and at times roaring out when alone, his fits of extreme irritability and violent swearing, and in particular the dislike and hatred he displayed towards his own relations, and the statement at least on one occasion, that he had no relations at all; all these symptoms I should say, taken together, along with the indications of disease of brain furnished by the fits, leave no doubt whatever that he was insane. The letters do not at all shake my opinion. Taking the whole of them from 1850 downwards, I think they might all have been written by an insane person. It is not at all an uncommon thing to find insane men and women write very sensible letters. I have frequently known insane patients who could keep accounts. I have generally employed one of the patients as a clerk under the house-steward to keep the accounts of the large asylum under my care.

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Judging from the evidence before me, I am of opinion that the insanity which was upon Colonel Maclean was of a character which I have met with before repeatedly, and according to my experience all of those letters are such as a man afflicted as I think he was with that character of insanity might well have written; they are such letters as I should have expected a man in his condition to write. I think from an early part of the correspondence there gradually appears—the development of that symptom of insanity which is so very common a one—the great dislike to his own relations. That runs through the letters wherever his relations are referred to, and it appears gradually to increase till he ceases to mention them by name in most of his letters. His letters certainly indicate a confusion of mind. I have seen a copy of his holograph instructions for a will, and also copy of a memorandum-book. The note of instructions for the will does not affect my opinion in any way; I should say it rather corroborated it than otherwise; not that there is anything in the will itself that I should consider a proof of insanity, but it would strike me as a curious will. As far as my experience goes, I should say that insane patients in an asylum do not frequently speak upon the subject of wills. I should not say that this threw much light on the nature of the insanity under which he was labouring. Without the other evidence, I should not be able to form any very decided opinion one way or other from the will alone.

Cross-examined by Mr. Clark.—A. From the will alone I certainly should form this opinion, that a man who made such a will must be a curious man, and I should think it quite a case to justify farther inquiry whether he was of sound mind.—Q. From the will, in short, you would suspect the existence of insanity?—A. I should; I would rather say I should suspect the probability of its existence, not simply because he left his money to a charity. I think there is a curious paragraph about the disinterment of the bones of his grandfather in the Island of Mull, that certainly strikes me as very singular. [This passage was read.]—Q. It would be singular only if you assume that his mother had not left these instruction?—A. I should say that would be part of the assumption; but it is not the fact alone, but the way it is written, and the want of periods, and the whole thing together, along with the rest of the will, which is very obscure. —Q. Then it is the want of pointing and of correct expression that you refer to?—A. And something singular in the fact of disinterring the bones of one's grandfather without any reason being given for it.—Q. Is the wish of his mother not a good reason? —A. Yes.—Q. Is there anything in the will which indicates insanity?—A. I did not say there was; I said that, on reading over the will, I was struck with certain provisions of it, and certain peculiarities of it, in such a way as I would say justified inquiry into the state of this man's mind.—Q. Would you suspect insanity from

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reading the will?—A. I should say I should suspect the possibility of it, and I should think myself justified in seeking for further evidence of that insanity in the history of the individual. I don't think there is anything in the will which would prove insanity in itself. The chief circumstances which make me certain of the existence of insanity in 1853 are the delusions regarding an eagle's nest, the incoherent and rambling conversation, obscenity to young girls, his general habits, which were unlike those of an officer and a gentleman, his impaired memory, which I think is also spoken to. —Q. Do you take 1853 as the date at which all these things concurred?—A. I think all these things were spoken to by the witnesses. I said I considered that the evidence as at that date was sufficient to establish the existence of insanity in my opinion. I did not say that, until these five things concurred, I was not certain of the existence of insanity.—Q. What made you certain of the existence of insanity at that date in contrast to your belief of previous insanity?—A. The evidence as to his condition, previous to 1853, was not brought fully before me, and I cannot form an opinion as to his state previous to that. I think these five things are sufficient to satisfy me as at that date, but there is no evidence in regard to the symptoms previously.—Q. Suppose you abstract any one of these, would you still be certain of the existence of insanity?—A. The opinion I form is a matter of degree. I think the evidence more or less strong; some one or two of these symptoms might afford very strong evidence. What I have stated is, that I think the five or more afforded complete satisfaction to my mind as to the proof of insanity.—Q. Suppose any one of these wanting, it would weaken the evidence to a certain extent?—A. I think the matter about the eagle's nest a very singular delusion. I took it as a delusion. It is stated, I think, in evidence in regard to that date, that he believed he had no relations, or stated that he had no relations: and I take that into account as a delusion. I also take into account the suspicion that people were coming into the house, which may not have been a delusion, but which is one symptom of insanity, and a common one along with others. I do not remember any other delusion of intellect as, at that date, spoken to by the witnesses. The fact that he was in correspondence with his relations is consistent with the existence of a delusion that he had none. I have known patients in that position. I had two letters placed in my hands a few days ago by a patient, the one addressed to the Lord Provost, announcing that he was Jesus Christ, and requesting him to make preparations for his proper reception into the city of Edinburgh. The other was addressed to his brother, written to him as his brother, and contained no indications of insanity at all; it was most correct from first to last; I should think that was as extreme a case as this. I think the delusion that he had no relations, quite

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consistent with the fact that he corresponded with his relations; the insane are not always consistent in their actions. He might at the time believe that he had no relations, and yet he might write to people as his relations. His delusions might vary.—Q. Then you think that is not a permanent delusion?—A. It might be absent for a time.—Q. Suppose there is a pretty frequent correspondence with two sisters from April 1857 down to 1858, do you think the existence of that correspondence consistent with the existence of a delusion that he had no relations?—A. It is quite possible.—Q. Do you think it at all probable?—A. We have the evidence of it as actually being the case. I assume as a fact the existence of that delusion, notwithstanding the existence of the correspondence. I ought to add that there is a solution of it which presented itself to my mind, that possibly this statement that he had no relations was only a very strong way of indicating his hatred of and hostility to his relations. But it is quite consistent with my knowledge of the insane that they should act in this inconsistent manner, believing they have no relations, and yet at the same time continuing to write to them. I have seen such inconsistencies in patients. I have said further that possibly this apparent inconsistency might be explained by the supposition that when Colonel Maclean stated that he had no relations, he was only stating in a very strong way his hatred of them, and his having repudiated them. I assume that he expressed a hatred of his relations, and I assume that he had no reason for it. I should describe the disease, which I assume him to have been ill of, as chronic mania,—chronic insanity, accompanied by attacks of apoplexy, and apparently of epilepsy. All the fits described appeared to be apoplectic in their character, except one, in which the witnesses spoke to convulsions and foaming at the mouth, and to his having fallen down with a roar; that appeared to be a fit which partook of the nature of epilepsy. The others were apoplexy. I certainly have not been in the habit of prescribing a warm bath for apoplectic or epileptic attacks. The patients in Morningside who write articles for our Journal labour under various forms of mental disease. In some instances they are monomaniacs, but not in all instances. What I spoke of was patients doing clerking, keeping the books of the Asylum, and making out accounts.—Q. Do they sum up, or merely copy?—A. They understand the business completely and perfectly. The last clerk doing that kind of work laboured under the delusion that he was constantly being struck. While writing he would curse and swear, and say that I had run a knife into him, or struck him, though I was at the moment miles off. That was his chief delusion. I have had patients doing that kind of work who laboured under deep *melancholia*, who fancied their souls were lost, and that they were everlastingly condemned, and had such delusions as that.

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By Mr. Young.—A. Persons of unsound mind may understand accounts and keep accounts perfectly. The mental unsoundness under which Colonel Maclean, in my opinion, laboured was certainly not inconsistent with his writing business letters or keeping accounts.

By the Lord Justice-Clerk.—A. I think the cause of the insanity was, in all probability, sun-stroke, from the history of the gentleman. It is a very common cause of insanity. It may produce almost any form of insanity. It operates through the brain. I think Colonel Maclean probably had an attack of apoplexy at first, and that this was followed by various subsequent attacks of more or less severity; and that, during that time, there would be a gradual atrophy or wasting of the brain going on. The chronic insanity arose from chronic disease of the brain. I think that chronic disease of the brain was of the nature of atrophy.

Dr. John Brown.—*Queries by Mr. Young.*—A. I am a physician in Edinburgh, and have been in practice for a number of years. I have seen a number of cases of insanity. The opinion which I form, from all I heard on Saturday, is that Colonel Maclean well merited the name that was given to him,—that he was "daft,"—that he was not in his sound senses; and I found that partly upon what the witnesses said of his foolish, silly appearance and behaviour,—the testimony of the girls and others as to his public behaviour in Millport, as seen by these young persons; the general impression I gathered of his behaviour when he was residing at Millport in 1853, and even before that, his foolish and silly talking, his talking to himself when no one was present, his going from one story to another without finishing any, his restlessness, running up and down stairs, and opening and shutting boxes; then his apparent delusions upon certain subjects, his belief that he had no relations, his statement with reference to the moral character of his sister, that she was an adulteress, and that she sucked the breast of an adulteress, his unwillingness to go into bed, because there were persons in bed who had yellow fever; and what seemed to me his delusion with regard to the eagle's nest. I cannot recall any other delusions. Then I would mention the amount and continuance of his obscene language and conduct; I think, taking everything into account, that amounted to a strong presumption that he had lost his judgment when he was so conducting himself. I think the attacks in the beginning of 1855, and subsequently, throw a great light upon the probable nature of his mental condition for some years previously. I think they enable me with certainty to attribute his prior conduct to mental disease. Those attacks are such as insane patients are very subject to.—Q. Taking the whole together, have you any doubt that his mind was diseased?—A. Well, it is a curious expression—a "diseased" mind; I think he was of unsound mind—

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that he was insane. I have read the whole of the letters in the print. —Q. Do they affect your opinion in any way?—A. If I could abstract altogether anything I know of the case, and think merely of the result on my mind from reading these letters, I should think he was a very odd man, and that he had a very incoherent style of writing and of thinking, but I should certainly not infer from these that he was positively insane, but much less would I infer that he was positively sane.

By Lord Justice-Clerk.—Q. In short, the letters would leave you in doubt?—A. They would; but they would predispose me to expect a still greater amount of oddity and eccentricity in the person who wrote them than they themselves manifested.

By Mr. Young.—Q. Are they just such letters as, from your opinion of his mental condition upon the other evidence, you would have expected him to write?—A. From the evidence of the servants who were in the house with him, I should have expected that they would have been more foolish than they are, perhaps; I say that in a very general way. I should require to know, of course, a great deal more before I could be very distinct upon it. Taking these letters into account along with the rest of the evidence, my opinion is that he was insane. I think it is quite common that a man that we should consider of unsound mind could, and does, write such letters as the business letters to his agents, Cox and Co., and also to his agent in Edinburgh about his settlement. It would not be easy to give any account of the cause of his mental unsoundness; if he had a real stroke of the sun, that would be a datum from which to start—a damage done to the brain, which is the organ with which he thinks.

By Lord Justice-Clerk.—A. That would account for his having a damaged brain.

By Mr. Young.—A. It is not at all an unaccountable case supposing there was no sunstroke. Men who have spent many years in hot climates do get into that condition sometimes—men who have served long in the East and West Indies; their general constitution is lowered, and, consequently the health of their brain is lowered also.

Queries by the Lord Advocate.—A. I have read the correspondence, and the settlement, and the other documents.—Q. On the assumption that Colonel Maclean was originally an under-educated man, do you find in the letters anything beyond some incoherence of composition and some eccentricity of thought?—A. I find a great many things I cannot understand or comprehend. The allusions, and indeed the very words, I can have no comprehension of.—Q. But as a general rule, looking through the whole of that correspondence, should you say, if you knew nothing else of the case, that you saw more there than a certain confusion in composition and some eccentricity of thought?—A. I should certainly say that; but it might not be

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very easy to state the amount of weight which that carries.—Q. Might not an eccentric man with a defective education have written all these letters?—A. I think he hardly would; I think there is an element of silliness—foolishness in them. I think, considering that they were written by a soldier who had been in the company of gentlemen, and seen the world, and a man living in society, there are some very odd things in them.—Q. But putting aside his social position would that alter your opinion?—A. I think they would just remain very odd and foolish letters a great many of them. As an example I would refer to the letter at p. 82, where he says, "I hope you will not allow the gent. you call your father to be showing you about the country like wild beasts; he will be the greatest of the three."—Q. Your opinion is that, on the whole, they are foolish letters, though you cannot say that the man who wrote them was mad. —A. No. I don't say that the medical symptoms, such as the apoplexy and epilepsy, are necessary indications of insanity. Mere epilepsy or apoplexy might happen to a sane person, but whether these entire attacks could have happened to that old man, without being connected with such a degree of disease in his brain as to disorder his judgment, I could not say.—Q. Might not the old man have had these identical attacks, and yet not have been insane?—A. Well, if you take a hypothetical old man, I think so. Taking this old man without any of the attendant circumstances which have been referred to, I think he might have had the attacks, and been of a sane mind. None of the other things—the foolish talking to himself, opening and shutting boxes, the delusions and the obscene language—would abstractly indicate insanity.

Lord Justice-Clerk.—Q. Not the delusions?—A. The delusions would, if they were established.

Queries by the Lord Advocate.—A. When a man has delusions, as far as his delusions go he is of unsound mind. I would not say that he is of such an unsound mind as that he cannot conduct the ordinary business of life. I think a man might be of sound mind and yet talk to himself, talk obscenely, and might open and shut his portmanteaus. If talking loudly to himself was the only thing I knew of him, I could not say he was insane. I have known men of sane mind who have talked to themselves loudly when they were by themselves, but I have not known any person who talked so much to himself as this old man, and yet was sane. I have never met myself, though I have heard of, people who had the constant habit of talking to themselves when they were alone. The opening and shutting of boxes is only important as indicating general restlessness and the want of object; but if that only occurred once or twice, it would not amount to anything, especially if these boxes contained his clothes, &c.; it would depend entirely on the frequency of his doing so, and the object. As to the obscene language, the previous

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history of the man would be of importance, as an indication of insanity. I should not consider that so important in the case of a man brought up in a barrack, and whose general character led him to that kind of conversation, as if he had had a different training, and been of a different temperament. With regard to the delusion as to having no relations, if he deliberately gave it forth as a belief, and it returned upon him occasionally, then I should suppose that, in regard to that, he was permanently unsound.

Lord Justice-Clerk.—Q. You mean the delusion would be permanently present?—A. The condition of his mind which led him, when he directed his mind towards this matter, so as to be under ths influence of it, would be permanent, so that bringing his sistere before him would immediately cause him to declare to himself that he had no relations.

Queries by the Lord Advocate.—In regard to the moral character of his relations, if I were forming an opinion, I should require to be satisfied in the first place that he said the thing; and secondly, that he had no rational ground for supposing it to be true. In regard to his being found under the bed, it might be for the purpose of endeavouring to open his boxes; but I think a sane man would bring the boxes out. I think the manner of telling the story about the eagles, and the serious deliberate way in which he seems to treat it as a matter of importance and of truth, is not the manner of telling such a story that a sane man would adopt. I don't think that to tell an extraordinary and interesting story about an animal implies insanity, but on the face of it, particularly in connection with what he runs off into, having been bathed in the Fairy water, &c., it does seem to me raving. Suppose it were a well-known legend in the island of Mull, that game had been got from eagles' nests in this identical way, and that he had been fed with grouse so taken, and that he had been bathed in the Fairy stream, I don't think there is anything very insane in telling Donald when he was going to Mull, that he would see the place where the eagles' nest was; at the same time the way in which it occurs and recurs does give me the impression that it was something far more than telling a good story about Mull. That is my strong impression.—Q. If he had no delusions at all, do you think there is evidence of the man being mad?—A. I think there is evidence that he was silly.—Q. But do you think there is evidence that his mind was so unsound that he could not rationally give instructions for the disposal of his money, supposing he had no delusions?—A. Well, I think I would incline to consider him incompetent in that respect. I don't say where the line is; he might be very near the line, but I should think he would be on the wrong side of it.—Q. Even if he had no delusions.—A. Well, it is very difficult indeed to say; if he was known as daft, if he was facile, as he was apparently, and spent his life, as he

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apparently did, during the years he was at Millport, and, above all, taking the moral condition under which his whole latter life was spent, I do not think that man was a moral agent with regard to his own affairs.—Q. You think he could not give instructions as to his settlement?—A. I think he could mechanically, as far as dealing with sums of money, and disposing of them to a given end, but I don't think he could have any proper sense of his duty and of his moral obligation.—Q. But had he intellect enough to form the conception, and to express the conception, of leaving his money for the purpose expressed in his will?—A. I think barely that. —Q. Do you mean that he did not know what the meaning of the words was which he was using?—A. No; I don't go so far as that.—Q. There can be no doubt he did know what the meaning of them was?—A. Yes.—Q. Do you mean that he had not intellect enough to form the conception of so leaving his money?—A. I think he understood the way in which the money was to be appropriated. —Q. Have you not evidence here that he held to that design quite consistently during a considerable period of time?—A. Yes.— Q. And that he had intellect enough to do so?—A. Yes.

Lord Justice-Clerk.—Q. I understand you to say that he had, in your opinion, sufficient intellect to form and execute the design of leaving his money to a particular object?—A. Yes.

The Lord Advocate.—Q. And you don't see anything in itself insane in the object for which he left it?—A. I think it is very foolish; I would not say it is insane.—Q. This gentleman had made all the money that he left; does it require most intellect to make £20,000, or to leave it?—A. Much more to leave it aright.

Mr. Young.—Q. You said that, in your opinion, Colonel Maclean had sufficient intellect to form and execute the design of leaving his money to a particular object; would you explain what you mean by that?—A. I think he knew the meaning of the English words in which he embodied his will in regard to these boys. I think there is no evidence to me that he did not know it.—Q. But do you mean anything more than that when you say, you think he had intellect enough to form and execute the design of leaving his money to a particular object?—A. I should think that such a scheme as that might occur quite originally to his own mind. The fact that such a scheme occurred to his own mind would not at all affect the opinion which I have given as to his insanity. A great many designs occur to insane people, not always irrational. I should say, that much less singular designs than this have occurred to insane people. I think very many insane people are quite aware of the meaning of the words which they use. There are insane people who don't know the meaning of the words. But I think the more common case is, that people of unsound mind do know the meaning of the words— their ideas are oftener wrong than their logic.—Q. Did you mean

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to say any more than this, that you think he had mind enough to conceive such a design as this, and understand the meaning of the words which he used in that holograph writing?—A. That is all the meaning I intended to convey. But I am nevertheless of opinion that his mind was unsound.—Q. Suppose in saying that he had no relations, he meant merely that he had no relations that he cared about, or that he disliked them, it would cease to be a delusion?—A. That would be an element for my judgment as to his being insane, but he still would remain unsound of mind; I don't mean unsound from that, but I should still be of opinion from the other circumstances that he was of unsound mind. Though that was thrown out of view, my opinion would remain the same.

By the Lord Advocate.—A. If the incoherency and abruptness of speech were caused by insanity it might recur, and it might be worse at particular times; but I should think anybody who saw him habitually must have witnessed it.

By Lord Justice-Clerk.—A. I think Colonel Maclean was labouring under mental disease. That mental disease might be called chronic general insanity. It is very difficult, indeed, to go far into the question as to the physical cause of the insanity; I have no doubt there was a physical cause. I have no doubt there was some disease of the brain, but from there being no examination of the head, I don't think I could say of what kind it was.—Q. But I understand, you are able to say with reasonable certainty that it must have been produced by disease of the brain?—A. If by disease of the brain is meant a structural disorganization of the substance of the brain, I am not quite sure whether there was disorder of the brain functionally, or disease structurally. We generally apply the word *disorder* to functional, and *disease* to structural derangement.

On behalf of the defenders little additional evidence was given which can be said to bear upon the medical question. A number of persons testified that they had heard of eagles' nests being harried of game, and that they believed the truth of these reports; so that, as was admitted, the mere belief that eagles' nests were harried could not be considered a delusion. There was also the evidence of a considerable number of those persons who are always producible in these cases, to testify that they had known and held conversations with Colonel Maclean, and had not discovered that he was insane.

The medical evidence on the part of the defenders was as follows:

Dr. Douglas Maclagan examined by the *Lord Advocate.*—A. I have had a long experience in the practice of medicine, and I have paid some attention to medical jurisprudence.

The Lord Advocate.—Q. Suppose that Colonel Maclean, a retired officer of eighty, died in April, 1859, his previous history, as far as his health was concerned, for four or five years, being good—he is

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in good health till 1855, when one morning in the spring, four years before his death, the servant Maclean or Buchanan found him lying under his bed—[Read evidence of Mrs. Buchanan on state of the Colonel]—Do you see anything there to indicate anything like an attack of apoplexy or paralysis?—A. No; it seems to be essentially a severe attack of rheumatism. [Read evidence of the Colonel's illness in October 1856.] There are no symptoms of apoplexy there. I don't think any man would prescribe a hot bath for apoplexy; or if he did, I wouldn't like him to be my doctor. [Shown Dr. Waddell's notes, October 16th, 1856.] I see lime juice given here. That is a remedy for rheumatism, and was very much in vogue at that time. From that I infer that there was a recurrence of the rheumatic attack, and for that the hot bath was very applicable. [Read evidence of Margaret Maclachlan, as to the Colonel having two or three fits during the five months previous to Martinmas, 1857.] That is more like epilepsy than anything else, but there is one element generally put into the description of epilepsy —convulsion—of which there is no evidence here. If he had had two fits like this in six months, that ought to have led to a preparation for a return of the attack. [Read Sarah Macmillan's deposition as to fit in the beginning of 1858.] That looks like another epileptiform attack, with probably feverish and delirious reaction. Q. He was paralysed in February, 1858, and had another attack in 1858, and died in April, 1859. But, taking all that evidence by itself, do you think there is anything in it that necessarily indicates insanity?—A. Certainly not. There seems to have been organic lesion of the brain. Old age is the period of apoplexy. Such organic change is not necessarily accompanied with affection of the mental functions. A man may have an attack of lesion of the brain and recover thoroughly. Sir William Hamilton had one of the most severe attacks of paralysis that I ever heard of, and he didn't lose his mind at all. The very day after his attack, when I was obliged to feed him with the stomach-pump, he directed my attention to a curious paper on some discussion in the Belgian Academy, of which I had never heard, in reference to the faculty of the ninth pair of nerves. Sir William afterwards delivered his lectures as usual, and wrote some of his books. If Colonel Maclean used coarse and indecent language, and rambled in his talk, that would lead me to think that possibly to a certain extent his mind was impaired, but I would not think that therefore he was insane. I have read the volume of correspondence, and have been very much struck with the retained mental power seen throughout the whole course of the correspondence. The letters appeared to me to be at the end as vigorous as at the beginning. The settlement agrees very much with the turn of mind visible in the letters. The letters indicate enough of capacity to settle his affairs. If the delusion as

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to the soldiers with yellow fever being in his bed occurred only once, I could not think it an insane delusion. It might be an attack of nightmare or delirium.

Cross-examined by *Mr. Young.*—I cannot tell how long the disease of the brain which resulted in these fits may have existed. A habit of rambling in his talk for years indicates in itself that a man's memory was not good. Men are garrulous without being absolutely insane. So far as it goes, it may be a symptom of insanity. Talking to one's self is a common symptom of insanity. When a man has a sense of religion, and yet becomes excessively obscene, that may be symptomatic of insanity. Restlessness is a very common symptom of insanity. A man without any cause getting into a rage indicates, so far as it goes, that the mind is not right. The same organic disease of the brain would account for all the fits and symptoms I have stated.

Re-examined by the *Lord Advocate.*—If I had all these facts shown to me as certain, I would be a long way off the conclusion on which I would grant a certificate that the man was insane. I would like to see something more of the man than that. Any one of those symptoms, or all combined, do not necessarily denote insanity. They may be manifested equally in a perfectly sane man, singly or in combination; and I have known some of them in combination. I knew a man who, on coming even into a drawing-room, would talk and sing to himself, and who, I am sorry to say, was the most obscene talker that ever I knew.

Dr. W. T. Gairdner examined by the *Lord Advocate.*—A. I have read the volume of correspondence and the deed of settlement. My conclusion is that Colonel Maclean was perfectly capable of making a will. The will is consistent with the whole course of his ideas as expressed in the correspondence; it is the natural consequence of the correspondence. I think that no man with no mind of his own could have written those letters or that will, or preserved the chain of ideas in the letters. The fact that he had sustained three attacks of apoplexy would not affect my opinion. Softening of the brain does not necessarily injure the mental powers; it may co-exist with vigorous mental powers. I have known various instances of persons fulfilling important functions who have died of softening of the brain when they were fulfilling those important functions. I knew of one case of a Judge, in this very court, who had softening of the brain, who died of apoplexy, with which he was seized three days before his death, and who had for three or four months been daily performing the duties of Judge Ordinary, with perfect approval and with perfect clear-headedness, and who, from the appearances found in his body, must have had softening of the brain, and several softenings of the brain, for a long period before that. Rambling talk, speaking to himself, &c., amount only to eccentricity, but to nothing more.

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Cross-examined by *Mr. Young*.—A. The common case is that softening of the brain leads to paralysis, convulsion or coma in the first instance, and is followed by recovery of the powers of motion and sensation, and the powers of the mind to a greater or less extent—very often not perfectly, but frequently perfectly. Softening of the brain co-exists with insanity, but not more frequently than with sanity. Organic disease of the brain is not uncommon in cases of insanity. Rambling talk is frequently a symptom of organic disease of the brain.

By the Court.—Softening of the brain is not always fatal. A man may entirely recover from that disease.

Dr. William Henry Lowe examined by the *Lord Advocate*.—I am resident physician at Saughton Asylum, and have had considerable experience in the treatment of insane patients. I should certainly look for some injury to the mind from a man having had three attacks of apoplexy, and who had previously had at least threatenings of epilepsy. The volume of correspondence does not indicate to me that Colonel Maclean was insane. My opinion on the matter would not be affected at all by the fact that he had had these attacks of apoplexy previous to his death. I see no diminution of mental power in the volume of correspondence.

The jury found a verdict for the pursuers on all the counts.

[With regard to Dr. Maclagan's and Dr. Lowe's evidence, we may venture to observe that it appears to tell much more in favour of the insanity than against it. Dr. Maclagan may have been right in his supposition that Colonel Maclean had suffered from rheumatism when under the late Dr. Waddell, without in the slightest degree affecting the question of his state of mind, on which question it will be observed that Dr. Maclagan very fairly admitted that the symptoms which were proved to have existed in the Colonel's restlessness, rambling talk, talking to himself, obscenity, &c., were all of them symptoms of insanity. Moreover, Dr. Maclagan admitted that in his opinion the colonel had organic lesion of the brain, and that this organic disease of the brain would account for all the fits and symptoms he had heard stated.

Dr. Lowe, the only specialist on this side, appears to have given very cautious evidence, little, if at all, opposed to the tenor of the medical evidence for the pursuers.

But what shall we say of the evidence of Dr. W. T. Gairdner, who had either the audacity or the innocence to tell the judge that he had known a judge for months discharging his duties, in that very court, with perfect approval and clear-headedness, yet who was suffering all the while from softening of the brain, which ended in fatal apoplexy? Well might the Lord Justice-Clerk ask with some anxiety

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whether softening of the brain was always fatal? *Absit omen:* May he long be spared from this and all other harm, to preside with clear intellect and courteous dignity over causes in which the truth will be more difficult to find than in that which established the lunacy and reduced the will of Colonel Maclean!—Ed.]

ASSOCIATION INTELLIGENCE.

York, *Aug.* 29, 1861.

My dear Sir,—I am obliged to you for the letter in which you inform me that the Association of Medical Officers of Asylums and Hospitals for the Insane have elected me an honorary member of their Society, and for the expression of your kindly feelings in that letter.

May I ask you to be so good as to convey to the Association the expression of my grateful acknowledgments for the honour they have done me, and also for the terms in which they have requested you to inform me of my election.

Believe me, my dear Sir,
Yours sincerely,
Robert Nairne.

C. Lockhart Robertson, M.D., &c.,
Hon. Secretary to the Association of Medical Officers of Asylums.

General Board of Lunacy,
Edinburgh; *Aug.* 26, 1861.

My dear Sir,—I am in receipt of your letter of the 23rd instant, informing me that I have been elected an honorary member of the Association of Medical Officers of Asylums and Hospitals for the Insane, at their annual meeting held in Dublin. Permit me, through you, to express to the members of the Association my deep apprecia-

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