with Dr. Leeper as to the importance of every one who can possibly manage it taking up this work, he thought, for a person who could not devote a great deal of time to histology, his researches are more for his own benefit than for science at large. In accordance with the resolution which they passed on a former occasion, he advocated the establishment of a central laboratory in Ireland.

Dr. LEEPER, in reply to Dr. Rambaut, who spoke of the altered size of the cells consequent on freezing, said that the freezing method was possibly a somewhat crude and rapid means of enabling one to take an impression of the brain cells, but that it ought to be done.

Dr. CONOLLY NORMAN, while complimenting Dr. Leeper on his work, agreed with Dr. Rambaut that the freezing method cannot now be regarded as entirely satisfactory, and advocated the employment of specialists in these investigations. It was only by those who devote their whole and sole attention to the subject that discoveries can be made. He urged that more attention should be paid to clinical observations, for, without clinical work, he did not see that any good could be attained. The matter was of vast importance to their patients, and he was certain that, so long as clinical work remains in its present backward state, there will be a distinct loss to pure pathology.

Dr. DONELAN said that it was impossible that general progress in pathology could be made without adequate provision for research. Still he would not discourage individual efforts. In other branches of science the value of individual workers is acknowledged, and simple methods, such as Dr. Leeper has described, were all-important in keeping up a general interest in the subject and in giving a lead to laboratory workers.

Criminal Responsibility. By HENRY LYLE WINTER, M.D., Associate in Anthropology, Pathological Institute of the New York State Hospitals, Instructor in Clinical Neurology in the Medical School of the New York University (University and Bellevue Hospital Medical College).

MR. WHITEWAY'S paper on this subject in the October (1899) issue of the JOURNAL, and Dr. Mercier's comments thereon in a later (April, 1900) number, are each of considerable interest.

Mr. Whiteway's article especially appeals as an expression of the contemplation by the legal mind of the personality of the accused, instead of the usual mere view of the crime.

From the tenor of his remarks Mr. Whiteway has, however, failed to realise the direction in which the present day criminological studies tend to lead in reference to our views upon the subject of responsibility.

Dr. Mercier, while probably enjoying full realisation of future probabilities, has neglected that feature, confining himself principally to answering the arguments advanced by Mr. Whiteway on the specific cases cited by him. In the particular

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case cited Mr. Whiteway has undoubtedly been in error, and Mercier's negative views, so far as they apply, are in strict accord with the present knowledge of the influences of heredity upon those given to criminal practices. From my own observations I believe in a lessened power of moral resistance in those of neuropathic family history. This is, however, only a belief, and I am not justified at present in presenting a statement that such is positively the case, and so far as I know, no one else would be so justified.

In reference to the presence of beginning paresis in prisons, that is an old question, and one which has been the subject of considerable comment. It is, however, a question largely apart from the main one of responsibility, as we understand it at present, and is only to be employed when we come to generalise on the direction in which neuropathic studies of all classes are leading. There is no question, nor has there ever been, of the legal status of the general paretic, and the appearance of such unfortunates in prison is merely an indication that the judiciary does not give sufficient attention to the possibility of the occurrence of such conditions, or that the medical officer of the prison is so encumbered by routine that sufficient attention to the individual to permit of early diagnosis is impossible. Of course the case cited by Mr. Whiteway, where corporal punishment was inflicted upon a paretic, was outrageous, but the remedy in a specified case is obvious, and does not call for general condemnation.

The early diagnosis of paresis is not particularly difficult, or, at least, a tentative diagnosis is sufficiently easy to prevent any great injustice being done this class of unfortunates.

While criminologists have presented a number of deductions which to the more conservative have appeared unjustified by the data, I do not think that I am exceeding my position by saying that one thing appears to have been correctly stated which meets with fairly general approval,—that is, that very many, and perhaps the majority of criminals differ almost as markedly in their general mental and physical make-up from the everyday citizen as do the insane.

While we are unfortunate in not possessing a definite normal standard, we find that anatomical and physiological anomalies, and peculiar mental attitudes, exist so much more frequently in criminals than in the non-criminal, that we are justified in

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taking this stand, if we admit that our position remains to be positively proven. It appears that the extremely conservative in medical circles, and a large majority of the legal profession, will not admit this position to be tenable, from fear that it is inimical to society, in that it would make the punishment of the criminal more difficult.

Such a contention is natural, but is indicative of an insufficient survey of the grounds. The only danger lies in the acceptance of these views without seeing the direction in which they tend. For example, Mr. Whiteway would accept this position, or a part of it, and would apply it thus early to a specific case, claiming immunity from consequences for a murderess with a neuropathic history. This is obviously premature, and while it is detrimental to the efforts of the criminologist, in one sense it is to be well received, because it points out the fact that the legal mind may be brought to recognise the individuality of the criminal, and not confine its attention entirely to the crime. Such an attitude on the part of the legal profession would be an immense aid to criminological investigation, and would ultimately benefit society. The difficulty is to convince all those interested in the subject that the ideas advanced so far are merely for use as a working hypothesis, and are not the final judgment of a school.

When the physical anthropologist concerns himself with the criminal class he is immediately confronted by the statement that crime is a social condition, and this is proven by the further statement that what is crime in one country is not in another. This is true, but the advocates of such theory fail to realise that crime and the criminal can possibly be separated. It appears to me to be perfectly logical to draw a distinct line between the criminal act and the criminal actor, and to admit that the former is social, and hypothecate that the latter is biological.

With the admission of personal variation to the extent of variation in responsibility we are brought face to face with one condition in reference to responsibility, and one which appears to me to be very definite, viz., that *all men are responsible to society*. In taking this position on the grounds of variation, it must be added that society cannot *punish*, it can only *protect itself*. This view was taken by Ferri some years ago, and it is the only possible outcome of criminological studies, provided

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the present views are proven. Of course there is a time in the life of every one when punishment must be the consequence of bad conduct, and this applies to the committed insane as well as to other classes. It is, however, only as a detail of personal care that such punishment should be meted out.

If it is accepted that the trend of criminological studies is in the direction above pointed out, it means a proper adjustment of our methods of legal procedure; but I cannot see how it in the least endangers society. Certainly such an outcome seems probable, and, in justice, every effort should be made to prove the hypothesis. The privileges of society carry correlative responsibilities, which are in danger of being largely overlooked in society's view of the criminal question.

The one idea which will lead to the final decision, and which should always be kept in mind by jurists and medical men, is the individuality of the criminal. This idea is sometimes endangered by the tendency to apply the methods of physical anthropology primarily to classes. The criminologist who, for example, studies murders as a class, is on the wrong track, while he who investigates the peculiarities of a murderer is keeping the main idea in view. If he is subsequently able to classify each murderer and produce a type, well and good, though such a classification is unnecessary for the purposes at present advanced. Our immediate interest centres in traits, not types.

Mitral and Tricuspid Incompetence. By W. J. PENFOLD, M.B., C.M., ED.

THE imperfect way in which the pathologist has been accustomed to test the competence of the mitral and tricuspid valves seems to be at variance with the careful and systematic observation given to other parts.

Recently I have applied the water test as follows, and have found it very satisfactory so far. I require for the purpose a conical nozzle about four inches long, having a diameter half an inch at one end and two inches at the other; this is attached to the tap by means of a strong india-rubber tube, having at the

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