unknown in country Asylums. In this way an interest in them is kept up, and very few of them indeed are forgotten and neglected by their kith and kin. This is an influence which often saves them from falling into incurable insanity, it gives many of them unbounded pleasure, it keeps alive home feelings and associations, and it brings a direct public opinion of the most unsleeping and critical kind to bear on the officers and attendants of the institution—all matters of incalculable importance, and much difficulty of attainment. When the relatives of patients see that the acute symptoms have passed off, they are often disposed to take them out for a day to see how they get on. If this succeeds, they try them at their usual employment, and if they do well, are often anxious to have them home altogether. It is by this most natural of all means that any undue accumulation of the incurably insane has been avoided for the past three years, and the problem of how to provide for such, which is so urgent in many parts of the kingdom, has been solved for us at no cost to the rates whatever. I find from the Report of the Commissioners in Lunacy, that Edinburgh is the only county in Scotland, the majority of whose population is urban, where the numbers of the registered insane, whether in Asylums or not, have absolutely diminished for the last three years.—*Report of Royal Edinburgh Asylum for* 1875.

Insanity and Crime.

We have been prevented, by great pressure on our space, from recording at the time, as we had intended to have done, some instructive trials of insane persons for murder. It is true that they serve only to illustrate an often-told tale, but it is perhaps well that the moral of the tale should be enforced by constant repetition, until it sinks into the hearts of those who may care enough for the progress of just doctrine to wish to see it prevail, and who may have influence enough to get it embodied in the legislative enactments of the country.

We quote from the "Times" newspaper, of July 24th, 1875, the report of a trial for murder in which Mr. Justice Brett asserted himself almost as aggressively as on the occasion when he passed the sentence upon the recalcitrant gas-stokers, which led to the quick abolition of the law under which such a sentence was possible. Pity that a similar result did not follow his charge on this occasion! What a sad pass things are coming to when the scientific observations

https://doi.org/10.1192/bjp.22.99.447 Published online by Cambridge University Press

of doctors and the common sense of jurymen dare to repudiate the "law declared by the Judges of England many years ago!" Happy the country whose judges have discovered by intuition and proclaimed with confidence, many years ago, a criterion of responsibility which shall be a lamp unto the paths of generations and nations for all time to come! If Blampied knew that he was killing Catt by smashing his skull with the adze, and that killing was murder, what more was necessary to entitle him to the privilege of being hanged for the luxury in which he indulged? "Uncontrollable" is by interpretation "uncontrolled." Have not the mouths of the Judges of England spoken it many years ago?

Blampied was tried at the Maidstone Assizes for the murder of Catt, by whose side he was working. He had killed him suddenly, and without the least apparent motive, by striking him on the head with an adze.

The two men had been for some time employed in the masthouse at the dockyard, Chatham. A few months before the shocking occurrence they had had an altercation; but since they had been apparently on good terms. On the day mentioned they were at work together on the same mast, about 6ft. from each other, and the prisoner was using an adze. Just before the act of homicide the prisoner went twice to the foreman for directions as to his work, and seemed quite cool and sensible. Suddenly those who were near the two men heard the sound as of a blow, and heard the deceased man cry out, "Oh! oh!" One of the workmen ran to the spot and found Catt lying down and the prisoner standing close to him with the adze in his hand; and another witness who came up saw the prisoner move from the deceased. This witness cried out, "He has killed Jemmy." On which the prisoner said, "No, he has killed himself;" and afterwards he added that Catt had taken up his adze and killed himself. But, from the nature of the wounds inflicted, it appeared that this was impossible, the wounds being at the back of the head, and one of them of such depth that it had actually cleft the skull. The prisoner was quite cool and collected, and helped to remove the poor man to the surgery, where, however, he died in a few minutes. The prisoner went to the police office and said he had to report that Catt had taken his adze and had struck himself with it severely. He was then charged with having killed the man, and said he was innocent. There was no doubt that he had committed the act. The defence set up on his behalf was insanity, and he had certainly been in a lunatic asylum for some time, but he had been three years ago discharged as cured, and had been in the service of the Government in the dockyard at Chatham, to all appearance perfectly in the possession of his senses.

https://doi.org/10.1192/bjp.22.99.447 Published online by Cambridge University Press

The prisoner, when called upon to plead, pleaded "Not guilty," with every appearance of sanity.

A shipwright, who was working with two others not far off in the same masthouse, stated that he had known the prisoner 14 or 15 years, but more intimately for the eight or nine months previous to the fatal occurrence. The prisoner, he said, had come to him for directions as to his work about half-past two, and there was nothing then in his aspect or demeanour at all unusual. The two men, he said, had worked together eight or nine months, and, so far as was known, were on good terms. At the time of the dreadful occurrence the witness and two other men were from 30ft. to 60ft. from the prisoner and the deceased, and on hearing the sound of the blow and going up to the spot he saw the prisoner standing with his adze in his hand. Witness was frightened and went back to get assistance, and on his returning to the spot the prisoner, who had then put the adze down, said that Catt had taken his (the prisoner's) adze and killed himself with it. The two men at the time were working within 6ft. of each other, and as the adze is 2ft. or 3ft. long the prisoner would only have to take a step in advance with his arm extended to bring it down on the head of the deceased. The prisoner just after the act was quite calm and collected, and there was nothing, the witnesses said, at all unusual in his appearance.

The inspector of police stated that the prisoner came to him and said he had something to report, and went on to say, "I have been employed in the masthouse, and when I turned round James Catt, who was employed with me, took hold of my adze and struck himself on the head with it, seriously injuring himself." The inspector said, "He's dead then?" To which the prisoner replied, "No; I don't know about that." "Where is he?" asked the inspector. "At the surgery," said the prisoner, adding, "He was a good mate, a good workman, and a good fellow." The inspector proceeded to write down the man's statement, and read it over to him, and he said it was correct. The prisoner was soon afterwards charged with murder, and said, "I didn't do it; he did it himself."

The surgeon who attends the dockyard stated that in April, 1874, the prisoner had been under his care for a few days for swimming of the head, and again for a few days in October suffering from *melancholia*. But this witness said he knew nothing of insanity, and had not studied the subject.

The surgeon of the police at Chatham, who saw the prisoner in custody the day after the occurrence and conversed with him, stated that he asked him, "Do you know what you are here for?" and he said he had "knocked his mate on the head, and the stupid fellow fell down dead." "Then you killed him?" said the surgeon, to which the man replied, "I knocked him on the head, and he fell down dead." This witness stated that in December, 1868, he had signed the certificate for the removal of the prisoner to Barming Lunatic Asylum as a

https://doi.org/10.1192/bjp.22.99.447 Published online by Cambridge University Press

lunatic, where he remained until December, 1872, when he was discharged as cured. The witness said he agreed with Dr. Taylor that impulsive mania might come on and go off suddenly, and leave the person quite cool just afterwards.

The learned Judge observed that every impulse, of course, was sudden, or it would not be an impulse.

The witness went on to say that "swimming" in the head might be the effect of the impulse, and that if the man had been suffering from *melancholia* the swimming in the head might be a symptom of an attack.

Mr. Joy, the medical attendant of the gaol, stated that since the prisoner had been there he had had frequent opportunities of seeing him, and had conversed with him constantly, and was of opinion that he was of unsound mind, being, he said, mad on the subject of religion. In cross-examination, he said the man has expressed strange opinions on the subject of religion; and, in answer to the learned Judge, said he considered him of unsound mind on these subjects. He thought, he said, that it was a sudden act—an act committed from a sudden impulse.

The learned Judge—Do you think that he knew, when he struck that blow with the adze, that it was likely to kill the man?

The doctor said no doubt he knew that; but he believed the act was uncontrollable.

The learned Judge said that would not do.

The prisoner's counsel said it was laid down on high authority that it was so, referring to Dr. Taylor's work on "Medical Jurisprudence;" but

The learned Judge said though Dr. Taylor was a high medical authority, he was not a lawyer, and was no legal authority at all.

The medical witness said he believed the impulse to do the act was "uncontrollable."

The learned Judge—What do you mean by that? Supposing a person takes it into his head to steal something, is that an "uncontrollable impulse?"

The Witness—No!

The learned Judge—Why? In fact, he has not controlled himself, and in that sense the impulse was uncontrollable.

The witness said the man had been previously in a lunatic asylum, but

The learned Judge observed that he did not see how this affected the question. The man, he said, may be mad. I assume that he is so in the medical sense of the term, but the question here is, whether he is so mad as to be absolved from the consequences of what he has done. He is not so absolved, though he is mad, if he was not so mad as not to know what he was doing or not to know that he was doing wrong.

The medical attendant of the Lunatic Asylum at Barming, from

https://doi.org/10.1192/bjp.22.99.447 Published online by Cambridge University Press

which the prisoner was discharged in 1872, stated that his grandfather was insane and also one of his sisters, and that when he was received there in 1868 he was suffering from *melancholia*, caused by religious delusions. But he was discharged as cured, and was believed to be cured.

The learned Judge, in summing up the case to the jury, said the prisoner's counsel had done his duty, and now they had to do theirs. They were not entitled to follow their own opinions, and say what ought to be the law, but simply to answer the questions proposed to them. The first question put to them was, whether the prisoner struck the blow; and if so, he told them, as matter of law, that he was *primâ facie* guilty of murder. If this were so, then it was for the prisoner to satisfy them not that it was doubtful whether he was mad, not even that he was mad, but that he was so mad as not to know the nature of the act he committed—that is, that he did not know what he did, or that he did not know that it was wrong. As to the medical evidence, he declared advisedly that it was not enough to show that a man was mad, or had what medical men called an "uncontrollable impulse," for, even assuming this, the law did not absolve him from the consequences of his act. If he knew what he was doing, and if he knew that it was wrong, then he was responsible for it. That had been declared to the House of Lords by the Judges of England many years ago, and by the law so declared Judges and juries were equally bound.

Mr. Justice Brett then read to the jury the well-known questions put to the Judges by the House of Lords, and their answers, and proceeded as follows:—

That is, the Judges laid down distinctly that, even although the act was done under the influence of delusions, with the idea of doing a public benefit, still if the person knew it was contrary to law, he would be criminally responsible for the act he had committed. The jury must be satisfied that at the time of the act the prisoner was under such delusion as not to know the nature of the act he was doing, or not to know that it was wrong. Then, did the prisoner in this case kill the deceased, and did he know he was killing him, and did he know that it was wrong or contrary to law to do it; if the prisoner did the act knowing that he was killing the man, and knowing that it was wrong to do so, then he was criminally responsible for his act. It had been urged that there was no motive, and that it was a sudden impulse, as no doubt it was: but if that was sufficient to establish the defence, then the less cause there was for a murder the more excuse there was for it. Again, it was urged that the man was cool just after the act, and that therefore he was mad, though that surely depended on the state of his nerves; for if they were strong then he would be cool and collected. If the defence was not fully established, then the jury were bound to reject it. It could not be seriously disputed that

https://doi.org/10.1192/bjp.22.99.447 Published online by Cambridge University Press

the prisoner struck the blow, and it could not be accidental, as the men were six feet apart. Nor was it possible that (as the prisoner suggested) the deceased could have done it himself, as it was at the back of the head, and broke the head almost to pieces. The other men were from 30ft. to 60ft. off, and there was no one who could have done the act but the prisoner, who was found with the adze in his hand. It was impossible, then, to doubt that the prisoner committed the act, and then he was clearly guilty of murder, unless the defence was established. But the defence required it to be shown that the man did not know the nature of the act he committed, or that he did not know that it was wrong—*i.e.*, that he did not know he was killing a man, or that he did not know it was wrong to do so. No doubt the man was in a sense insane; that is, he was probably under the influence of delusion, and no doubt the act was sudden, and there was no apparent motive for it; but all this fell far short of the defence set up. He had been for two or three years working at his business, like other men, and as to the "swimming in the head," why, it had nothing to do with insanity, and might have been merely a symptom of the stomach being out of order. The man had been for two or three years practically sane, and treated as sane, and even though he were under the influence of religious delusions, that was far from showing such insanity as was required to establish the defence. It was said there was no motive—*i.e.*, no known cause—and that was true; but, in truth, there never could be an adequate cause for a murder. Then, as to the circumstances of the act. There were none which indicated insanity in the sense which was necessary. When he found the men coming up to him he put the adze down and said, "He has taken my adze and killed himself." Did that show that he was not conscious of the nature of the act, or that he was not conscious that it was wrong? Did it not rather show that he was quite conscious of it, and sought to avoid his liability for it? Then the prisoner went and made a statement to the inspector, which was quite coherent: but was it true? Was it not the sort of account which a man would give who sought to avoid the consequences of his act, rather than the incoherent account which would be given of it by a man who did not know what he had been doing? Was there evidence of insanity in the sense which had been explained to the jury? No doubt the man had been insane, and might have been so at this time, and it would be better to assume that at this time he was of unsound mind. But the question was not whether he was of unsound mind, but whether he was so insane as not to know the nature of the act he committed—that is, that he did not know that he was killing a man, or that he did not know he was doing wrong in killing a man. If the jury were satisfied of this, then they would acquit the prisoner on the ground of insanity; otherwise they were bound to find him guilty of murder. Their responsibility, he reminded them, was limited to the true and faithful discharge of their own duty, which was to answer truly as to the facts. The ulti-

https://doi.org/10.1192/bjp.22.99.447 Published online by Cambridge University Press

mate responsibility as to the fate of the man would rest with others, who would, no doubt, discharge their duty as faithfully as the jury discharged theirs. But their duty was clear and simple; and it was simply to find their verdict with reference to the truth of the case and the effect of the evidence.

The jury retired to consider their verdict, and after being absent for about a quarter of an hour, they returned into Court with a verdict of "*Guilty*, but not accountable for his acts."

The Clerk of Assize: That is, you acquit him on the ground of insanity?

The jury: Yes.

The learned Judge: Insanity in the sense I have explained to you?

The jury: Yes.

The prisoner was then ordered to be detained during Her Majesty's pleasure.

A few days after this trial, the same Judge tried at the Croydon Assizes a man who was indicted for the murder of his wife and child, but who was alleged to be insane. Medical evidence of his unsoundness of mind was given at the trial. The case was very imperfectly reported in the "Times," and we give, therefore, the result:—

Mr. Justice Brett, in summing up the case to the jury, directed them as to the law on the subject of insanity, in accordance with the law he had laid down in the Maidstone case, that it was not sufficient to show that the prisoner was insane, unless it was also shown that he did not know the nature of the act he was committing, or did not know that it was wrong. He told them that they must disabuse their minds of the medical notions as to insanity, for the reason that these medical men had not met the Court upon the ground which they desired them to do, and that their opinions were founded on their own ideas as to what the law of insanity ought to be. He further said that even at the risk of appearing to sum up against the prisoner he must tell them that it was not enough for them to be satisfied that the prisoner was insane, but that he was so insane as not to know what he was doing, or if he did that he did not know he was doing a wrong thing, or that he did not know he was doing a thing contrary to law.

The jury, however, without any hesitation, found the prisoner *Not Guilty* on the ground of insanity, and the usual order was made as to his custody.

https://doi.org/10.1192/bjp.22.99.447 Published online by Cambridge University Press