of good character, under the influence of a cause, or causes, held to be utterly inadequate by persons of sound mind, suddenly commits an act inconsistent with all his previous history, is in any other event than the perpetration of murder regarded as a very serious symptom arousing the most anxious fears on the part of his friends, especially if he has insane relations; but the law ignores all this, and asserts that a man is responsible for his actions if he knows the nature and quality of the act he commits, and that it is forbidden by law. This standard of responsibility is directly opposed to the established judgment of every person who has had any experience of the disordered mind. I sympathize with Dr. Savage as to his sense of duty as a recognized authority in such a matter, impelling him to make a public appeal for some further investigation of the circumstances. I agree with him that the act of William Gouldstone, taking into account the whole history, was an insane act, and none the less so because on every other subject his conduct and conversation was rational.

I am, Sir, your obedient servant,
W. Wood, M.D.,
Physician to St. Luke's Hospital.

No. 99, Harley street, Sept. 17.

JAMES COLE.

CENTRAL CRIMINAL COURT, OCT. 18.

(*Before* Mr. Justice Denman.)

James Cole, 37, labourer, was indicted for the wilful murder of Thomas Cole.

In August he was living with his wife at Croydon. Their two children, Richard, aged 14, and Thomas, three years eight months, also lived with them. Prisoner had been out of work for some time. On the evening of the 18th he took the child Thomas by the legs and knocked its head against the floor and walls. As the prisoner ran away he said to a man he met—"I have murdered my child."

It was elicited from the boy Richard that upon the night in question, the prisoner complained that his wife had hidden people under the floor and in the cupboard to try to poison him. He was jealous of his wife, but no ground for this suspicion appeared.

The plea of insanity was set up.

The surgeon and chief warder of Clerkenwell House of Detention gave evidence that the prisoner had displayed no symptoms of insanity, but had conducted himself in accordance with the prison regulations. On one occasion he became violent, but it was stated that it did not arise from unsoundness of mind.

For the defence, a brother of the prisoner was examined, and stated that some members of the family had been subject to fits.

Dr. Jackson, an alderman of Croydon, said he was quite certain that he was a typical lunatic, with dangerous delusions. In cross-examination, witness said the prisoner seemed to understand the questions put to him, and gave perfectly rational answers. He told him that he thought he was being poisoned, that his wife had set men on to him, that he used to shriek out and wake up at night thinking that people were murdering him. The prisoner acknowledged that he drank occasionally, and that he had been many times in prison for violence. The prisoner said he found a little drink made him lose his senses. The prisoner knew perfectly well that he was on his trial for murder. When asked how he could have treated his child so cruelly, he made no answer. In re-examination, Dr. Jackson said he believed the prisoner was in such a state of mind that no parish doctor ought to allow him to be at large, as he was dangerous.

Mr. Geoghegan, in defence, argued that there had been no motive for the commission of the crime, but that there were strong antecedent probabilities

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that the prisoner was so unsound in his mind at the time that he did not know the nature and quality of the act he was committing.

Mr. Poland said that the prisoner's belief that attempts had been made to poison him would not be sufficient for any medical man to certify that he was insane, and thus necessitate his confinement in an asylum. It was for the jury to say whether the prisoner was a violent drunken man or an insane person fit for Broadmoor.

Mr. Justice Denman said it was an appalling case. As to the plea of insanity, the law as laid down by the House of Lords was, that every man was supposed to be responsible for his acts until the contrary was proved, and it must be shown that he was suffering from such a state of mental disease as not to know the nature and quality of the act he was committing, or that it was wrong. The Judge referred to the new Act regarding the treatment of persons alleged to be insane, and said that he observed that last session a learned colleague expressed dissatisfaction with the new enactment, in which, however, he was not inclined to disagree, the new Act not altering the law as to insanity as it previously stood, but only making a difference as to the formal verdict.

The jury found the prisoner *Guilty*.

The Judge, in sentencing the prisoner to death, said the learned counsel had attempted to make out that he was not responsible. The attempt had failed, and he must express his opinion that, according to the law of England, it had rightly failed. "Although it was, I think, established in evidence that you had been suffering from delusions, I cannot entertain a doubt that on the occasion on which you violently caused the death of your child, you know you were doing wrong, and knew that you acted contrary to the law of this country, and that you did it under the influence of passion, which had got possession of your mind from want of sufficient control, the result being that the poor child came by a sudden and savage death."

Fortunately, Sir William Harcourt ordered a medical examination of Cole to be made by Dr. Orange and Dr. Glover, with the result that he was found to be unquestionably insane, and he was reprieved. (See Occasional Notes of the Quarter.)

Side by side with the foregoing practical opinion, it may be well to place on permanent record the theoretical rhapsodies of lay writers of leading articles in leading newspapers. The day after the trial of Cole the following discreditable article appeared in the *Times*:—

. . . There was the usual defence of insanity. It was urged that the prisoner had been so violent when in prison that he had to be put in a padded cell; that he had used, as was very probable, threats to his wife, and that he had frequently been in prison for crimes of violence. These not uncommon symptoms of lawlessness and ruffianism satisfied one doctor that Cole was "a typical lunatic with dangerous delusions." But the jury were not convinced by the familiar argument that a man who does anything particularly wicked must be insane, and they found the prisoner guilty of murder. For years the plain men who sit in jury boxes have been assailed by medical theorists who seek to discredit all the homespun ideas as to responsibility. A *quasi*-scientific terminology or jargon, very advantageous for everyone who happens to be self-indulgent and passionate has been invented. Theories destructive of society's right to punish some of its most dangerous foes—which would save from the gallows all but those who showed in their evil deeds some scruple and compunction—have been promulgated in books and in the witness-box. The legal doctrine as to insanity has been cried down as unscientific. Juries have often been frankly invited to find a person of unsound mind just because he had committed a particularly monstrous crime. But with rare exceptions they decline to be convinced by this sophistry, and have clung to the legal, which in this matter is the common-sense view, and have held answerable for their actions men whom so-called experts would consign to Broadmoor Lunatic Asylum. It seems to have been proved that Cole entertained some delusions. But it was not shown that they at all affected his conduct towards his child; and there cannot be a doubt as to the righteousness of the verdict. This, however, may not conclude the matter. A case, the circumstances of which are not yet forgotten, has shown that a jury may come to the opinion that the evidence offered to substantiate a defence of insanity is quite insufficient, and act upon their view; and that the Home Office may nevertheless put their verdict aside. At the last sitting of the Central Criminal Court, Gouldstone, a blacksmith at Walthamstow, who had deliberately killed his five children, was convicted of murder; the jury, declining to be guided by the vague evidence as to his mental weakness. But for reasons satisfactory to the Home Secretary and his advisers, the jury were overruled, and Gouldstone was sent to Broadmoor. Who are to be punished if the hideousness of a crime is taken to be indi-

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cative of insanity? Who are to be responsible if a jury must not convict unless they see that the prisoner had some really adequate motive for what he did? . . . . It is needless to say that it would be incumbent upon "mad doctors" to expound in the witness-box their views with great caution, even if they were all at one with regard to essentials. It is no light matter to shock the conscience of a community and to perplex people's sense of justice, as must be the case when the very magnitude of a criminal's wickedness seems to be a claim to immunity. Society has good reason to dread the effects of the spectacle of moral monsters being treated as irresponsible. But no such agreement exists. The books written by experts show that they are at variance as to the terminology of their so-called science; that scarcely two accept the same classifications of mental diseases; and that the tests of their existence are altogether uncertain and debatable. It is well from time to time to remind those who dogmatize from the witness-box about insanity of the provisional character of their conclusions. In the last resort, the Home Secretary is the final Court of Appeal as to these questions; and no doubt he takes pains to obtain the best medical advice before making up his mind. But this tribunal is far from being so satisfactory as could be wished. Its decisions are in the main determined by the reports of experts who are sometimes tempted to apply much too refined tests, leading to parodoxical results. For the present, and until the mystery of mental diseases—for example, the effect on conduct of collateral delusions and the extent to which certain dangerous tendencies are hereditary—are cleared up, much more than is now the case, it will be well at the Home Office and elsewhere to rate cheaply theorists who gauge the extent of a criminal's insanity by the magnitude of his crime, who would spare a Troppman and hang a half-hearted imitator.

CONTEMPLATED LUNACY LEGISLATION IN FRANCE.

In a former number of the Journal we stated that the propriety of revising the French Lunacy Laws was under consideration, and we referred to several of the more important proposals contained in the *Projet de Loi portant revision de la loi du* 30 *Juin*, 1838, *sur les Aliénés*, presented to the Senate by the Minister of the Interior, M. A. Faillières.

The Commission appointed by the Senate to prepare this Bill decided before separating to investigate the laws affecting the insane in other countries—Belgium, Holland, England, and Scotland. For this purpose they delegated the following: Dr. Dupré, Professor of the Faculty of Medicine, Montpellier, President, Dr. Théophile Roussel, M. Delsol, formerly Professor of Law, M. Tenaille-Saligny, Dr. Frezoul, Dr. Brugerolle, Secretary. Dr. Achille Foville, Inspector General of the Administrative Service, was appointed by the Minister of the Interior to accompany the Commission and aid them, as he was so peculiarly well qualified to do, in their difficult task.

This Senatorial Commission visited England and Scotland last October, and it afforded their English *confrères* much pleasure to afford them every facility within their power to pursue their enquiry. Among the institutions they visited were Bethlem Hospital, Broadmoor, Brookwood, the Woking Prison, Caterham, and the York Retreat. They attended by appointment at the offices of the Lunacy Commissioners and the Lord Chancellor's Visitors, and obtained much valuable information bearing on the object in view. In Edinburgh the Commissioners in Lunacy assisted the delegates in every way likely to further the investigation, and the latter visited the Royal Edinburgh Asylum, the Lenzie and Gartnavel Asylums at Glasgow, the Fife and Kinross Asylum, and acquired all the information they were able respecting the working of the boarding-out system at Kenoway, &c.—the main object of their visit.

We are glad to know that the Commission are gratified with the attention paid them in Britain, and feel themselves repaid for their labours by the welcome accorded them and the information they were able to collect. We on our part must express our sincere pleasure in the visit of the Commission to our shores, our sympathy with their laudable object, and our desire that their endeavours may bear fruit in the amendment, so far as amendment is needed, of the lunacy law of 1838, which, notwithstanding its shortcomings at the present day, was a monument of legislative wisdom at that period. On the return of the Commission to France, the following appeared in the *Telegraphe*, (Paris), 25th October, 1883:—

"Ce voyage vient de se terminer; les sénateurs sont rentrés à Paris hier.

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