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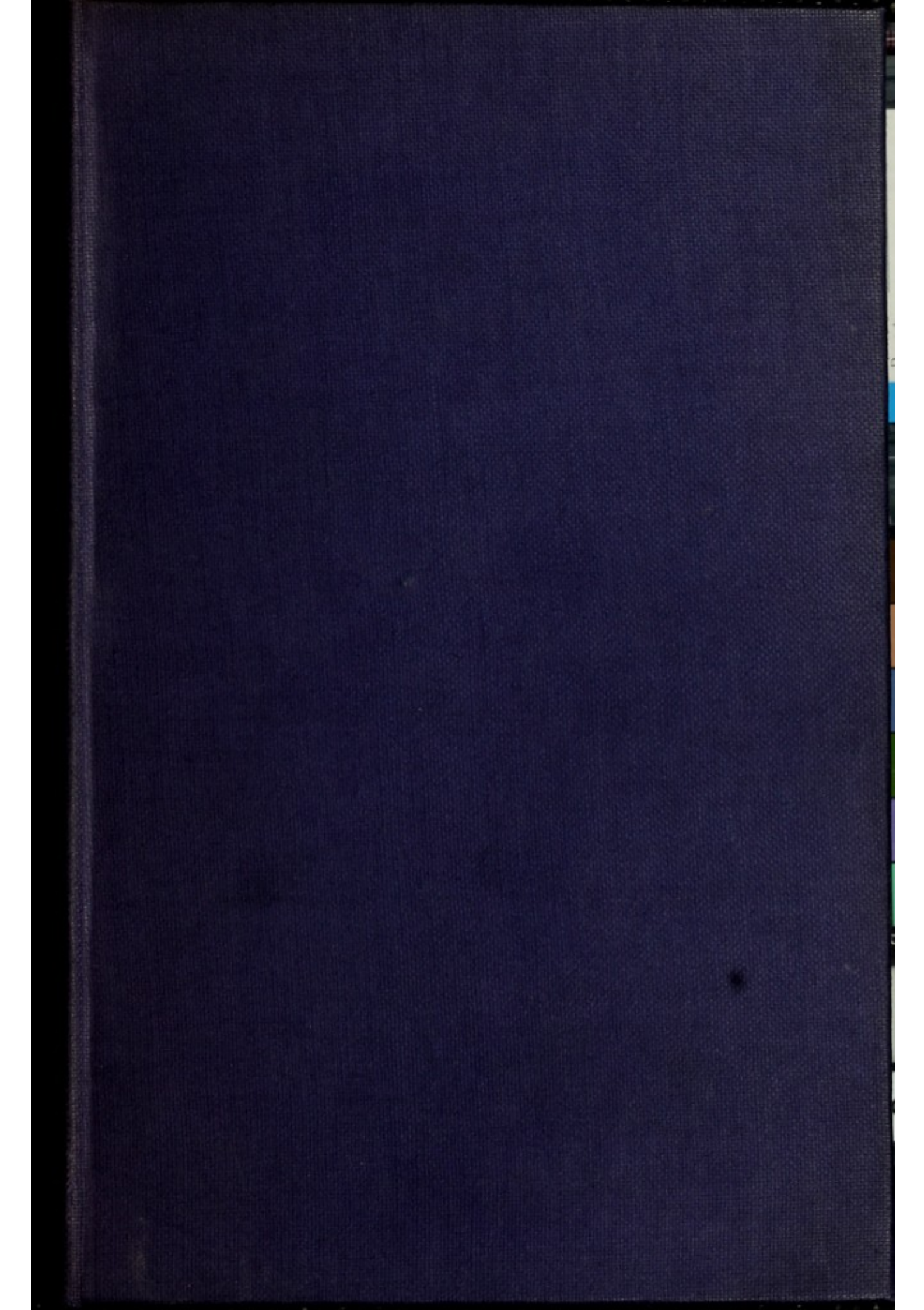
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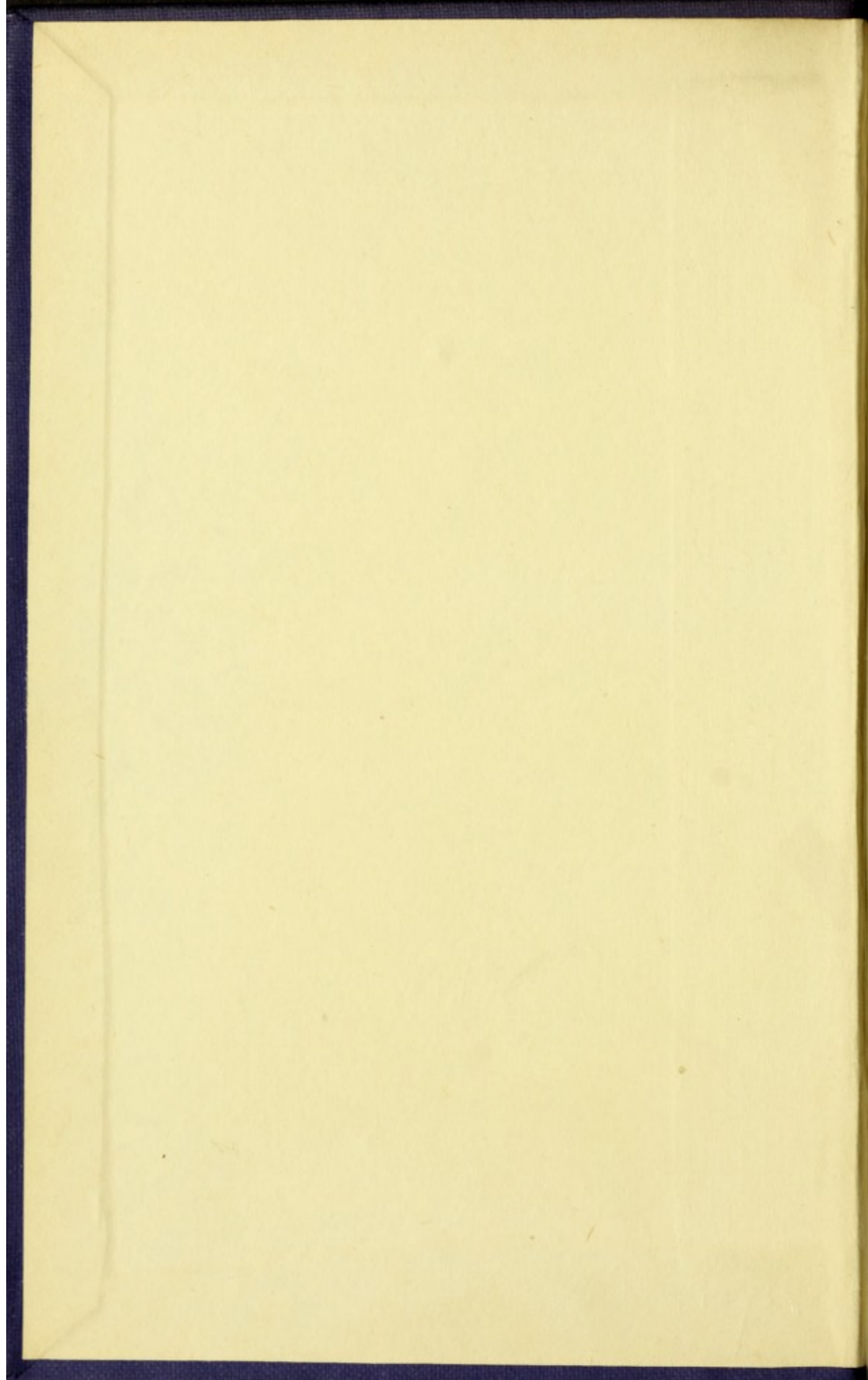
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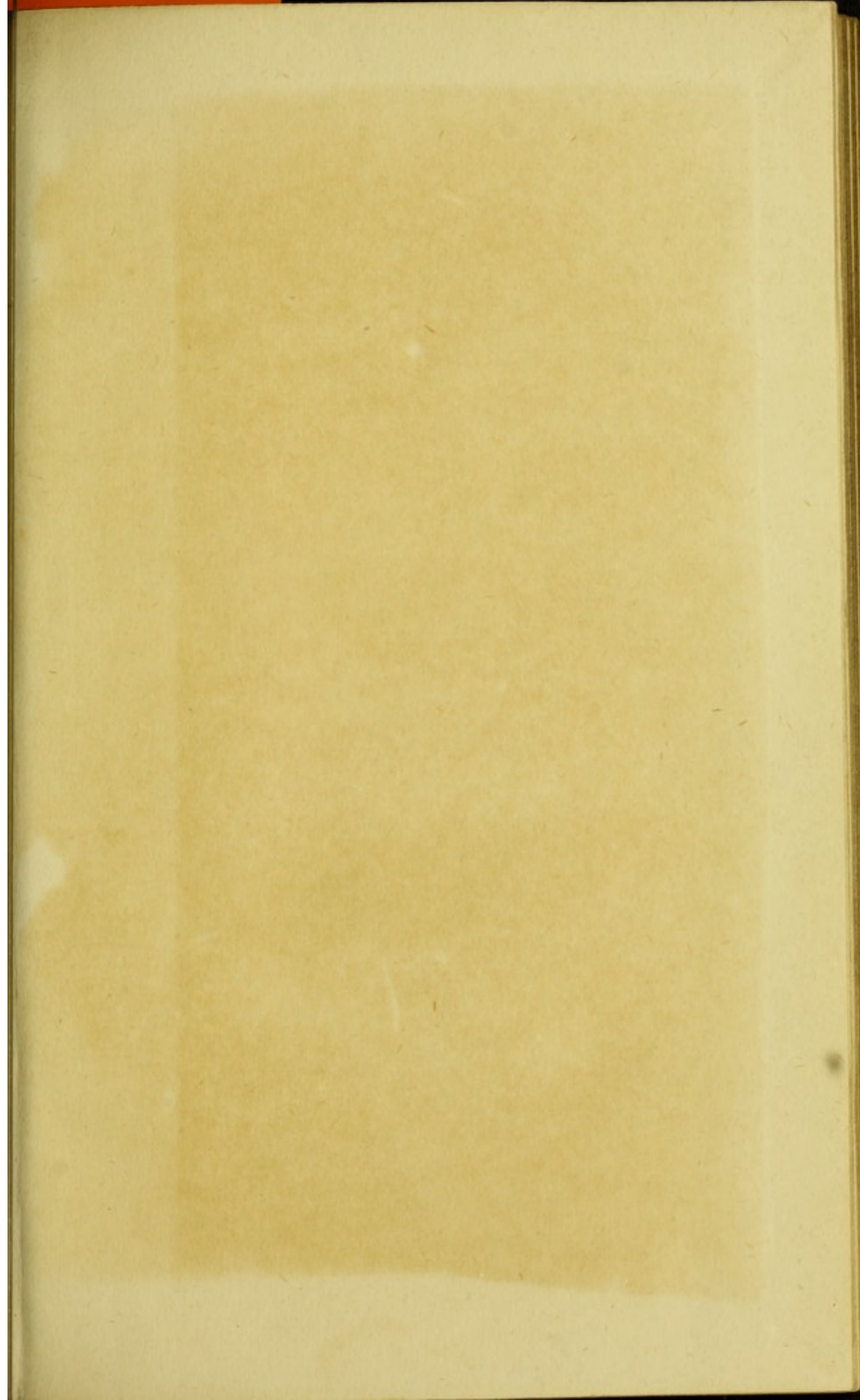
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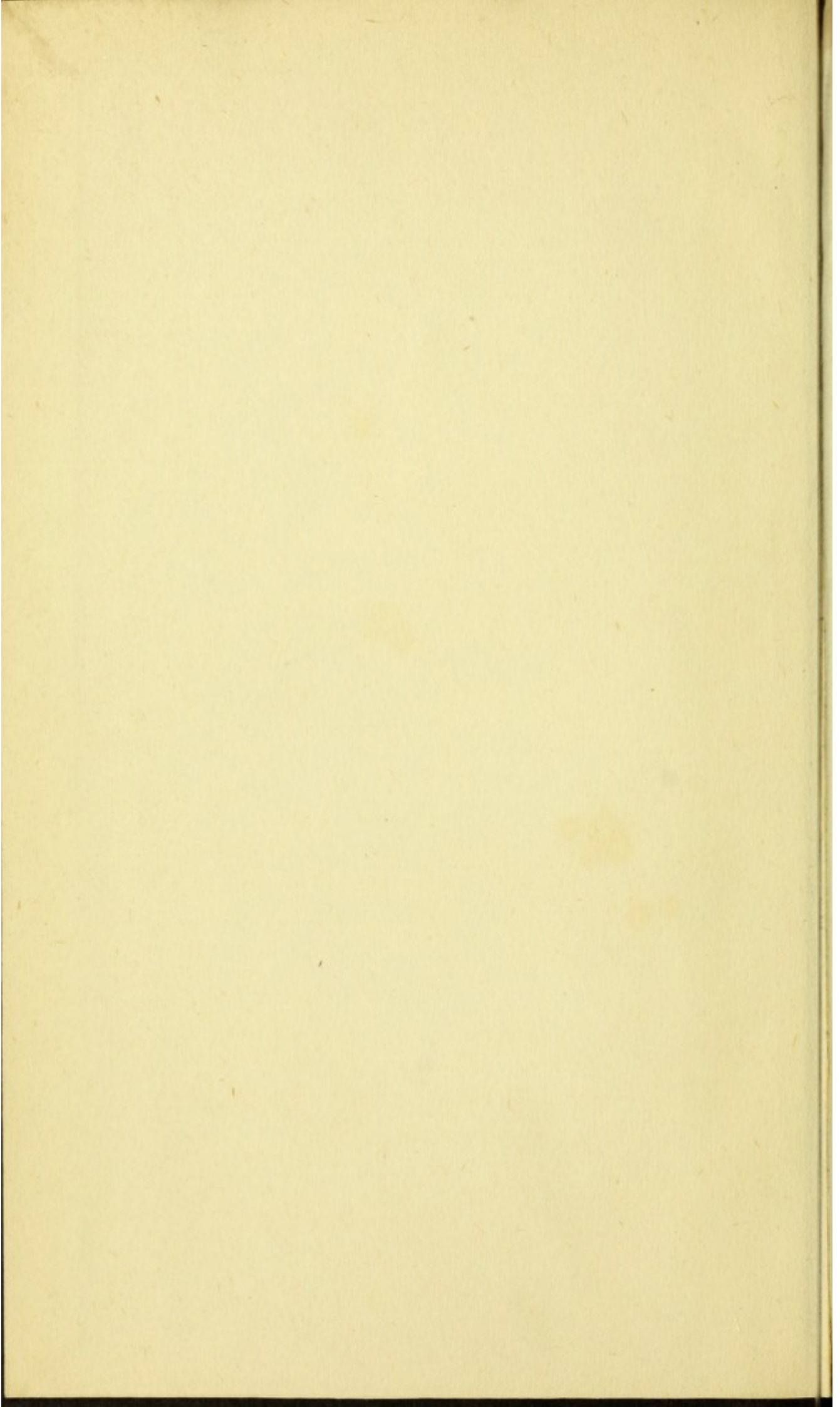


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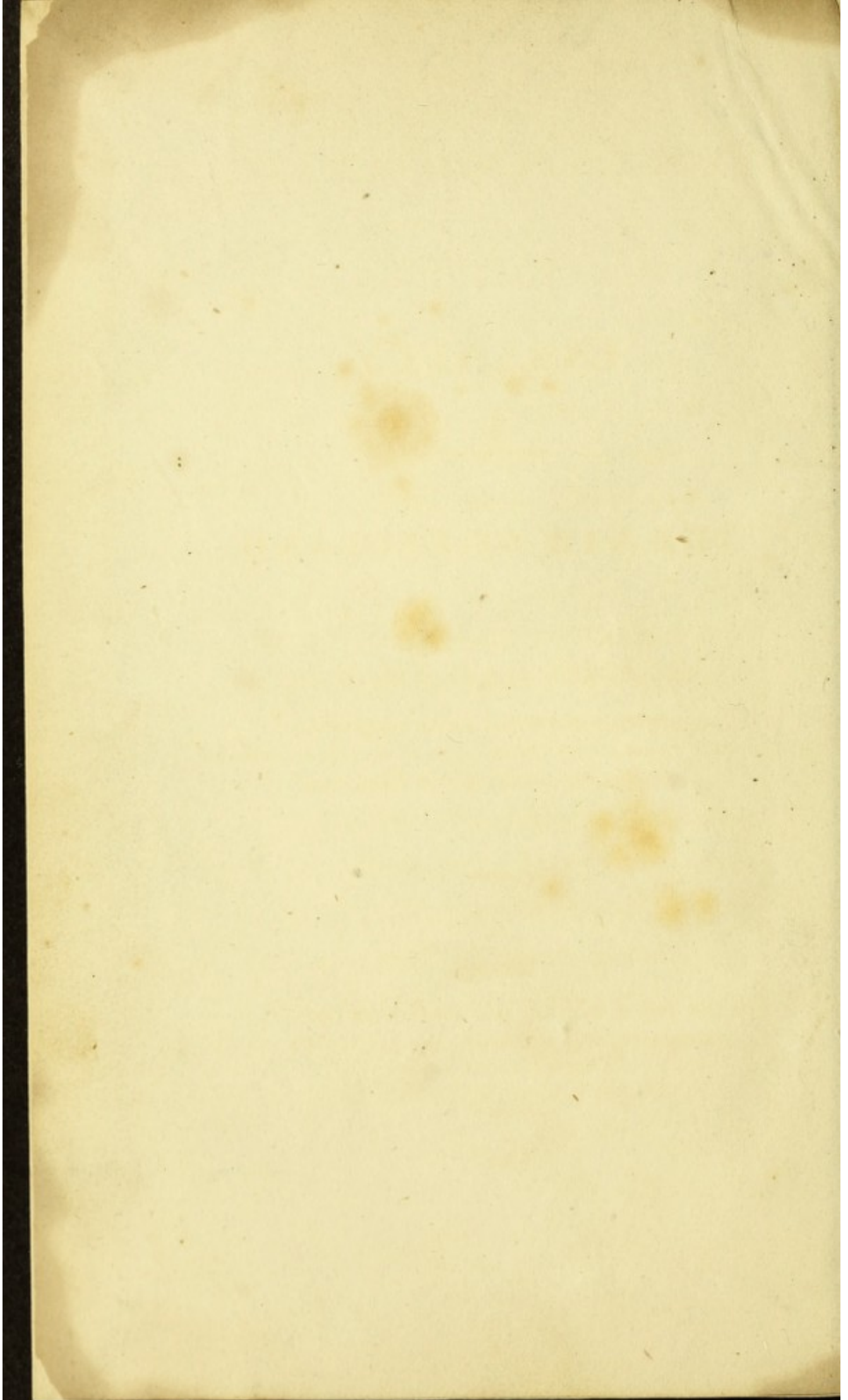






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LONDON. MEDICAL SOCIETY

MEDICAL JURISPRUDENCE,

AS IT RELATES TO

INSANITY,

ACCORDING TO

THE LAW OF ENGLAND.

By **JOHN HASLAM, M.D.**

LATE OF PEMBROKE HALL, CAMBRIDGE.

FORMERLY PRESIDENT OF THE ROYAL MEDICAL, NATURAL HISTORY
AND CHEMICAL SOCIETIES OF EDINBURGH.

London:

PRINTED FOR C. HUNTER, LAW BOOKSELLER, BELL YARD;
J. HUNTER, ST. PAUL'S CHURCH YARD; AND TAYLOR AND
HESSEY, FLEET STREET.

1817.

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IR. 241,

PREFACE.

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readers of different pursuits, law and medi-
cine:—from the latter, I have heretofore

PREFACE.

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labours has been submitted to their judg-
ment:—to the former, I am little known; and
here feel it necessary, by a distinct avowal,
to assert that I have in no manner presumed

THE consideration, that in our own language,
no work existed on the subject of Medical
Jurisprudence, as it relates solely to Insanity,
urged me to the present performance. Pre-
viously to this undertaking manifold impedi-
ments were foreseen, and these difficulties
have augmented in every page of its pro-
gress:—the apprehensions from this arduous
attempt, have, however, been mitigated by
the consoling reflection, that in a novel
enterprize criticism would be tempered with
candour.

The following sheets are addressed to the readers of different pursuits, law and medicine:—from the latter, I have heretofore experienced much indulgence and encouragement, when the result of my professional labours has been submitted to their judgment:*—to the former I am little known: and here feel it necessary, by a distinct avowal, to assert that I have in no manner presumed to encroach on their province. Although the title may seem to imply an incorporation of the two sciences, yet it is not to be considered as the combination of definite proportions of legal and medical knowledge. It has been modestly conceived that the general phenomena of disordered intellect, and the criteria of insanity, would not be unacceptable to the

* Vide Observations on Insanity, 8vo, 1798.—Observations on Madness and Melancholy, 8vo, 1809.—Illustrations of Madness, 8vo, 1810.—Considerations on the Moral Management of the Insane, 8vo, 1817.

advocate ; who might thereby become enabled to adapt the facts in nature to the scale of justice. Furnished with such information, he will be instructed to institute appropriate enquiries for the discovery of truth, and to ascertain what is the duty of the medical evidence to supply :—so that he may not be pressed beyond his resources, nor the depths of his intelligence be left unsounded. On the practitioner of my own profession I have ventured to impress the importance and moral obligation of his evidence before the tribunal of justice, and to enforce, that the value of medical opinion becomes enhanced by perspicuity of conveyance, and derives authority from the exposure of its foundations. It has likewise been my object, to direct his attention to those leading points which usually constitute the subjects of his deposition, or are presented for his solution during the course of legal examination.

The technical language of the learned professions is commonly enveloped in mysterious obscurity:—persons for the most part acquire names without investigating their force and legitimate import; and currently employ them rather from habit than comprehension: it has therefore been my anxious endeavour to scrutinize words of important meaning; and to convey the manifestations of mind and the symptoms of disease, by expressions generally understood, and emancipated from the thralldom of professional nomenclature.

To complete the plan I originally projected, there still remains to submit to the notice of the public, “The consideration of insanity in a political view,” enquiring how far human wisdom, properly directed, might become the instrument to diminish this severe and encreasing affliction,—and especially to point out the desiderata for a *bill* to protect

the insane, and regulate the receptacles wherein they may be confined. Notwithstanding the heterogeneous mass which has been authoritatively diffused on this important subject, the necessary materials have not yet been collected. Those who will probably attempt to frame this measure, have much to learn, and more to dismiss. The production of a wise and salutary bill requires ample research and temperate reflection: and therefore can never be the offspring of minds void of information, and saturated with prejudice. As Insanity is a disease, by the unanimous concurrence of physicians, most certainly to be remedied at the commencement of its attack: it ought to be a leading object with those who possess the power to legislate, to afford every facility to the medical attendant, that he may have an early access to the treatment of this malady, for the restoration of the patient, and for the security of the public.

But if the practitioner is to be pinioned by threats, or deterred by obloquy—if his skill is to be circumscribed by ignorance, and his experience subjected to wild hypothesis, and baseless conjecture; then, the enactment will be oppressive in its operation, and incompetent to meet the exigences of intellectual calamity—a bill, calculated to confirm and aggravate the horrors of madness—to invite suicide, and multiply murder.

JOHN HASLAM.

1st December, 1817,

51, Frith Street, Soho Square.

ON
Medical
JURISPRUDENCE,
§c. §c.

MEDICAL Jurisprudence has been assiduously cultivated by the different nations of the European Continent; and many works of great value and esteem have been produced by foreign professors of medicine on this important subject. In our own country this department of medical science has been comparatively neglected.* It is not my intention, in the present tract, to enter generally on the sub-

* Vide an Epitome of Juridical or Forensic Medicine, by George Edward Male, M. D. a work of great excellence and scientific discrimination; also Tracts on Medical Jurisprudence, by Drs. Johnson, Bartley, and Farr.

ject of Forensic Medicine: but to confine my investigation to that particular branch which relates to persons of insane mind, and who under the visitation of this dreadful calamity commit acts of violence which subjects them to be arraigned before the tribunal of Justice, or to have their property vested in trust by finding a verdict on a writ de Lunatico inquirendo.

Although of the utmost consideration, the extent of this enquiry would seem to be very limited, and contained in this simple question. Is the person accused, of insane mind? If he be insane he will be acquitted on the *proof* of his insanity—if he be not of insane mind, he must be treated as an ordinary delinquent. In those cases where the prisoner is so bereft of his reason, that any twelve men would not entertain a different opinion, where numerous evidences appear to testify to repeated acts of

insanity, which are so manifest that they cannot be otherwise interpreted; and where he has been confined and treated for this malady, the physician will have an easy duty to perform: but it is in cases which appear to be involved in difficulty, where the disorder, although existing and directing the actions, is not so ostensibly developed that the medical evidence becomes important, and capable by sagacity, experience and truth, of explaining and characterizing the state of the person's intellect.

The important duty which the medical practitioner has to perform, when he delivers his testimony before a court of justice, should be clearly defined, conscientiously felt, and thoroughly understood,—his opinion ought to be conveyed in a perspicuous manner; he should be solemnly impressed that he speaks upon oath, the most sacred pledge before God

between man and man—and that the life of a human being depends on the clearness and truth of his deposition. He is not to palm on the court the trash of medical hypothesis as the apology for crime; neither should the lunatic receive his cure at the gallows by the infirmity of his evidence—but above all his opinion should be so thoroughly understood by himself; so founded in experience and fortified by reason, that it may resist the blandishments of eloquence and the subtil underminings of cross-examination. The physician should not come into court merely to give his opinion—he should be prepared to explain it, and able to afford the reasons which influenced his decision:—without such elucidation, Opinion becomes a bare Dictum, and endeavours to claim precedence, without courtesy or obligation to science.

It is to be regretted that on many occasions

where several medical practitioners have deposed, there has been a direct opposition of opinion:—this difference has sometimes prevailed respecting insanity,* but more frequently in cases of poison. It is not intended to account for this contrariety of evidence: much will depend on the sagacity of the counsel to institute the proper enquiries; and still more will be incumbent on the medical evidence, in order to explain and establish his testimony. On one side the evidence will be positive; and it is to be presumed that no member of the medical profession would directly state an individual to be insane without being able, satisfactorily to his own reason and conscientious feelings, to exhibit from his conversation, his actions or his writings unequivocal proofs of his derangement. To such well founded illustration, negative evidence would but little avail.

* Vide my Illustrations of Madness.

The Lawyers object is the interest of his employer, and for the fulfilment of his duty he is frequently compelled to resort to a severity of investigation which perplexes the theories, but more frequently kindles the irritable feelings of the medical practitioner. This distrust on the part of the lawyer, however unpalatable, is fully justified: most witnesses going into court, not with a wish to be examined, but with the preconcerted intention of *proving* to a certain extent;—and those most conversant in the history of human testimony, have been extremely scrupulous of admitting it as uniform truth until it has been carefully sifted. Guarded with these precautions and armed with professional experience, the medical practitioner may approach the tribunal of justice with confidence, and advantage to the cause of truth. However dexterous he may shew himself in fencing with the advocate, he should be aware that his evidence ought to impress

the judge, and be convincing to the jury. The most experienced physician who has seen insanity in all its forms, and viewed its more delicate shades, must in a question of this nature submit his opinion, to the comprehension and feeling of the ordinary persons who are to appreciate his deposition. Their BELIEF of the alleged insanity must be the test by which his scientific opinion is to be established. That which may be deemed by the medical evidence, clear and unequivocal madness, may not hit the sense of the gentlemen of the long robe, nor carry conviction to the jury.

It may here be important to investigate the sources from whence the popular feeling and intelligence concerning madness have been derived; or in other words, what are the foundations for the opinions of the generality of persons, on the subject of insanity? Patient enquiry, daily communication with deranged

persons and attentive observation of their habits, confer the means of judging on medical practitioners, and more especially on those, who have for a series of years, solely confined their practice to this department of the profession. The information of the lawyer is principally deduced from the writings of those great legal authorities to which he refers with confidence;—although these grave authorities have laid down *no definition of madness*, nor given any directions how to discover it. The ordinary class of persons, who are usually summoned to act as Jurymen; and who are sufficiently virtuous and intelligent; have in common with the mass of mankind formed their opinions of that state of mind which is denominated madness, and it should be observed that such opinions are not very easily removed or altered. It will be a curious and instructive enquiry, to investigate the circumstances which have, in all probability, contributed to fix their

notions on the subject of insanity. They have wanted the measure of direct information, and consequently have adopted the popular and floating opinions on this disease. That dramatic representations have forcibly operated for this purpose there is little reason to doubt: and some of the plays of Shakespear exhibit many of the forms which this malady is supposed to assume. Among such characters, none have more strongly fastened on the general mind, than the outrageous Lear, and the distracted Ophelia; the subtil craziness of Hamlet leaves it doubtful if his alienation of mind be real, or conveniently assumed—and to the ordinary observer conveys more of fiction, than the avowed counterfeit of Edgar. Romances, the literary food of the idle and thoughtless, abound in descriptions of intellectual calamity;—but these artificers of fancy, like many unskilful performers, are too prone to strain the loftier impressions of feel-

ing, and distort the energies of passion, into mental derangement. Something of affecting interest may be excited by the weaknesses and wanderings of Maria, but Cervantes has exhibited the happiest and most correct picture of systematic insanity; although the vehicle of chivalry in which it is conveyed, has, to our own countrymen, blunted its interest as a physiological portrait of madness:—his sallies have provoked mirth, and so keen is the relish for the ridiculous, that in the luxury of laughter, the reader has forgotten the tribute of commiseration. Within my own recollection Bethlem Hospital gratified the curiosity of the vulgar of both sexes; these visitors were most eager to penetrate into the recesses of the furious and naked maniac: the hideous howlings of those violently affected, forcibly arrested their attention. With the insane of a milder cast, they were but slightly interested; except the singularity of their actions, or

incoherence of discourse were calculated to excite their merriment. They were much delighted with the archness of retort and ridiculous buffoonery which often forms a striking feature in the character of the insane. They were particularly gratified at the manner in which they frequently ornament their persons: a straw crown or sword of the same material pleasingly occupied their attention;— but they passed over the silent and melancholic, and usually retired with the impression, that the quiet and orderly were convalescent, or improperly confined. To impress ordinary persons with the existence of insanity, some prominent and strongly marked features are absolutely required; as the popular feeling and intelligence concerning madness is the result of those glaring exhibitions, those caricatures of disease which the stage represents or romances propagate. Of methodical madness, of systematic perversion of intellect, the

multitude can form no adequate conception, and cannot be persuaded that insanity exists without turbulent expression, extravagant gesture, or phantastic decoration. The converse of this has likewise, not unfrequently obtained; and even among those who might be supposed to possess superior information.—Hesitation of speech, nervous and convulsive affections—uncouth gestures resembling St. Vitus' dance, absence of mind—dulness in comprehending a question, with tediousness and embarrassment in affording the reply, have often induced the mistaken supposition that the party was insane.

On those occasions where the madman has been tried in a criminal court, the counsel for the prosecution has usually and gravely enquired of the medical evidence, whether the prisoner on ordinary topics and on subjects unconnected with his insanity, would not con-

verse in a rational manner: and also whether he did not possess sufficient understanding to discriminate between GOOD and EVIL, RIGHT and WRONG? When a medical person is employed concerning any one to whom insanity is imputed, his principal enquiry is concerning his *insanity*: it is not his object to ascertain how much reason he possesses, but how far, and on what topics he is insane. And having gauged his insanity he has performed his duty. If it should be presumed that any medical practitioner is able to penetrate into the recesses of a lunatic's mind, at the moment he committed an outrage; to view the internal play of obtruding thoughts, and contending motives—and to depose that he knew the GOOD and EVIL, RIGHT and WRONG he was about to commit, it must be confessed that such knowledge is beyond the limits of our attainment. It is sufficient for the medical practitioner to know

that his mind is deranged, and that such state of insanity will be sufficient to account for the irregularity of his actions ; and that in a sound mind, the same conduct would be deemed criminal. If violence be inflicted by such person during a paroxysm of rage, there is no acuteness of metaphysical investigation which can trace the succession of his thoughts, and the impulses by which he is goaded for the accomplishment of his purpose. And it will be shewn hereafter that in some instances he is not himself conscious of his actions. Should an equal injury be inflicted by the crafty and deliberate machinations of systematic insanity, where the motives to action are delusions, the scrutiny into the exact procession of thought which produced the motive, or excited the determination is likewise beyond the reach of the medical practitioner. As it would be difficult in a person of the soundest mind to detect the succes-

sion of thoughts, tracing that which was most remote *from*, to that which was proximate *to*, the action ; it can less be expected that the medical evidence should be capable of noting the consecutive irregularities of a disordered intellect,

Respecting the quantum of reason which the lunatic possesses, the physician may safely conclude, where he bewrays no derangement, that on such topics he is of sound mind ; and the fact is firmly established, that those who are insane on particular subjects, will reason correctly on ordinary and trivial points ; *provided they do not become associated with the prevailing notions which constitute their insanity.* Ordinary persons have been much deceived by this temporary display of rational discourse, and it generally occurs that we are disposed to form a hasty conclusion, in proportion to the paucity of our knowledge on any

given subject :—most minds feel more invited to indulge in the convenience of a syllogism, than to undergo the toil of induction. Although an insane person may be calm and apparently rational at the beginning of an interview, yet when least expected his disorder breaks forth, and in many instances, there seems to be no cause for this conversion from apparent sanity to evident derangement. In the commencement of the conversation the lunatic shall evince a healthy perception of existing objects, and institute a just admeasurement of the subject under contemplation ; or in other words shall reason correctly ; if he be placed in the society of other madmen he is able to detect the folly and aberration from reason which characterize their peculiar phantasies, and will often endeavour to convince them of the absurdity of their prevailing opinions, yet in a moment his mind launches into the regions of fiction, its admired clearness

becomes obscured, and its seeming regularity exhibits a confused assemblage or violent distortion.—There is no intermediate condition which separates these states : and the transition very much resembles the last connected glimpses of our waking thoughts, followed by the abrupt creation of a dream.

This occasional display of rationality, although admitted by all who have had experience of the insane, excites a doubt in the minds even of learned and intelligent persons who have merely speculated on this disease. They have conceived, from the existing philosophy of the intellect, that reason is the directress of human actions,—that this high arbiter of thought is an undivided principle,—that where the rudder is attached the ship may be steered—and that he who reasons must be rational : and so he is, *as long* as he *does* reason. But the inference of the integrity

of the reasoning faculty in consequence of occasional gleams, is a gratuitous and groundless supposition. It often happens that persons may converse for some time with a lunatic, and find him apparently composed and rational; he will discuss the floating topics of the day as another man,—accord with the most enlightened on the general principles of morals, and correctly estimate the light and shadow of human conduct. If the observer should here retire he might be convinced of his sanity: but let him protract the discourse, let him touch the fatal string which throws his mind into discord: let him draw the hair-trigger which inflames the combustible materials of his disease, and he will be surprised if not alarmed at the explosion. The sweeping tyranny of madness scorns the demarcation which limits the sober mind; and it should likewise be taken into account that the subjects which constitute the insanity

of a person, are the prominent features of his mind, and are more frequently recurred to than any other. It is true he may discuss ordinary topics like other men; but this to him is a species of bye-play, and he soon reverts to the interest or catastrophe of his drama. Whatever may be the subject of discourse, and however rationally he may appear to treat it, the experienced practitioner will expect, and he will not often be disappointed, to find that by some unaccountable association, even ordinary topics are linked with his darling delusion,—the map of his mind will point out that the smallest rivulet flows into the great stream of his derangement.

On a more attentive consideration, there appears to be something latent and perhaps mischievous, in the terms GOOD and EVIL, RIGHT and WRONG, as applied to cases of

insanity. If an *insane* person be responsible for his conduct, I know of no law which sanctions his confinement. If he can discriminate between GOOD and EVIL, RIGHT and WRONG, on what pretence is he to be deprived of his liberty? Is it humane to suppose him in his senses when he becomes most outrageous? Is it christian-like to deem him responsible, because the violence of his disorder tears down the fences of the law, or snaps the ties of natural affection? Ought he to be punished when he is most to be pitied? If it be supposed that the terror of example will prevent the sallies of the maniac, it is a lamentable mistake. His belief in the GOOD of his principle, his faith in the RIGHT of his actions, are superior to arguments,—his motive cannot be controlled by reason, nor baffled by the fear of punishment. Impressed with a *belief* in the truth of his delusion, he hurries forward to its accomplishment: and in the

pursuit of the phantom cannot be diverted by the most awful consequences. He is of those

“quem neque pauperies

“Neque mors, neque vincula terrent.”

It is this firm belief, this fond indulgence of opinion which makes him prefer seclusion to liberty; and leads him rather to forego existence than renounce his delusion. It is the same principle, which in a good cause, cheered the martyr at the stake, and raised his exultation while the flame consumed him. It is this BELIEF, however erroneous, which kindles enthusiasm in a cause, and arms us to defend it.

As the word BELIEF is important, it will not be considered unnecessarily digressive to attempt an investigation of its legitimate meaning. There are two modes of ascertaining the meaning of a word; either by referring to its etymology, to discover the cause of its application: or to collect the authori-

ties which shew, that certain persons who are accredited, have so employed it. By turning to Dr. Johnson's Dictionary the reader will find that the different authorities which he has cited have used this word in different acceptations. Without descending to the minutiae of verbal examination, and tracing back its derivation to its Gothic or Saxon radical, it may be safely asserted, that to BELIEVE, originally implied to belove: to be attached or partial to, independantly of any evidence which would lead to demonstration. This belief is the immediate motive to action, and although incapable of becoming the subject of demonstration itself, is not to be set aside by the clearest and most forcible refutation.

“ You may as well

“ Forbid the sea for to obey the moon,

“ As by an oath remove, or counsel shake

“ The fabric of his folly, whose foundation

“ Is pyld upon his faith.”

Winter's Tale.

It would be a curious and instructive enquiry to ascertain under what circumstances the mind admits as rules for action, those principles which do not admit of proof: because, if we could detect the manner in which the knot is tied, we might probably be able to unloose it. In the course of our education we are taught to adopt many maxims, the truth and expediency of which may not be very evident; however as we advance in life, experience and good sense gradually dispel many of these prejudices and erroneous adoptions. But in the insane mind the same process does not take place, and generally in proportion to the reasoning adduced to confute the delusion, or the demonstration employed to exhibit its absurdity, it becomes more strongly confirmed and inveterately fixed; and the logic brought forward for its refutation, is by the lunatic held as ignorance or misapplication. A person *in* his senses may

entertain and believe a number of unfounded and erroneous opinions, but on the exposure of their falsity he is capable of being convinced, but the madman never is; and this forms the great distinction between them. This incapability of being convinced of the GOOD and EVIL, RIGHT and WRONG, TRUTH and FALSHOOD of his BELIEF is that, which as an intellectual being, renders him different from other men, and constitutes his distemper. To our present purpose, it is immaterial how this arises, the knowledge of its existence is sufficient: and it concerns us but little to ascertain if this state depend on a morbid condition of the intellect itself, or of the organ destined for the display of its phenomena.

This belief appears physiologically to constitute his disorder; and the hope of placing this subject in a distinct point of view may be an apology for the relation of the very

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remarkable case of Nicolai of Berlin.* In consequence of a series of calamities which afflicted him with the most poignant grief he had in January and February of the year 1791, the additional misfortune to experience several very unpleasant circumstances which were followed on the 24th of February by a most violent altercation. “ My wife and another person came into my apartment in the morning in order to console me, but I was too much agitated by a series of incidents which had most powerfully affected my moral feeling, to be capable of attending to them; on a sudden I perceived, at about the distance of ten steps, a form like that of a deceased person, I pointed at it, asking my wife if she did not see it? It was but natural that she should not see any thing, my question there-

* Vide Ferriar on Apparitions, P. 41.—As the Doctor has not cited whence he obtained this curious document, I have been under the necessity of employing perhaps his own translation.

“ fore alarmed her very much, and she sent
“ immediately for a physician, the phantasm
“ continued about eight minutes. I grew at
“ length more calm, and being extremely
“ exhausted, fell into a restless sleep, which
“ lasted about half an hour; the physician
“ ascribed the apparition to a violent mental
“ emotion, and hoped there would be no re-
“ turn, but the violent agitation of my mind
“ had in some way disordered my nerves,
“ and produced farther consequences which
“ deserve a more minute description.

“ At four in the afternoon, the form which
“ I had seen in the morning reappeared. I
“ was by myself when this happened, and
“ being rather uneasy at the incident, went
“ to my wife’s apartment, but there likewise
“ I was prevented by the apparition, which
“ however, at intervals disappeared, and al-
“ ways presented itself in a standing posture:

“ about six o'clock there appeared also several walking figures, which had no connexion with the first.

“ I cannot assign any other cause of all this, than a continued rumination on the vexations I had suffered, which, though calmer, I could not forget, and the consequences of which I meditated to counteract: these meditations occupied my mind three hours after dinner, just when my digestion commenced. I consoled myself at last with respect to the disagreeable incident which had occasioned the first apparition, but the phantasms continued to increase and change in the most singular manner, though I had taken the proper medicine and found myself perfectly well. As when the first terror was over, I beheld the phantasms with great emotion taking them for what they really were, remarkable consequences of an

“ indisposition, I endeavoured to collect my-
“ self as much as possible, that I might pre-
“ serve a clear consciousness of the changes
“ which should take place within myself;
“ I observed these phantasms very closely,
“ and frequently reflected on my antecedent
“ thoughts to discover, if possible, by means
“ of what association of ideas exactly these
“ forms presented themselves to my imagi-
“ nation. I thought at times I had found a
“ clue, but taking the whole together I could
“ not make out any natural connexion be-
“ tween the occupations of my mind, my
“ occupations, my regular thoughts, and the
“ multifarious forms which now appeared to
“ me, and now again disappeared. After
“ repeated and close observations, and calm
“ examination, I was unable to form any
“ conclusion relative to the origin and con-
“ tinuation of the different phantasms which
“ presented themselves to me. All that I

“ could infer was, that while my nervous sys-
“ tem was in such an irregular state, such
“ phantasms would appear to me as if I
“ actually saw and heard them ; that these
“ illusions were not modified by any known
“ laws of reason, imagination, or the com-
“ mon association of ideas, and that probably
“ other people who may have had similar
“ apparitions were exactly in the same predi-
“ cament. The origin of the individual forms
“ which appeared to me, was undoubtedly
“ founded on the nature of my mind, but
“ the manner in which it was thus affected
“ will probably remain for ever as inscruta-
“ ble as the origin of thought and reflection.
“ After the first day, the form of the deceased
“ person no more appeared, but in its place
“ there appeared many other phantasms, some-
“ times representing acquaintances, but most-
“ ly strangers: those whom I knew were com-
“ posed of living and deceased persons, but

“ the number of the latter was comparatively
“ small. I observed the persons with whom
“ I daily conversed did not appear as phan-
“ tasms, these representing chiefly persons
“ who lived at some distance from me. I at-
“ tempted to produce at pleasure phantasms
“ of persons, whom I knew by intensely re-
“ flecting on their countenance, shape, &c.
“ but distinctly as I called to my lively
“ imagination the respective shades of three
“ of these persons, I still laboured in vain to
“ make them appear to me as phantasms,
“ though I had before involuntarily seen
“ them in that manner, and perceived them
“ some time after, when I least thought of
“ them. The phantasms appeared to me
“ contrary to my inclination, as if they were
“ presented to me from without, like the
“ phenomena of nature, though they existed
“ no where but within my mind. I could
“ at the same time distinguish between phan-

“ tasms and real objects, and the calmness
“ with which I examined them, enabled me
“ to avoid the commission of the smallest
“ mistake. I knew exactly when it only ap-
“ peared to me that the door was opening
“ and a phantasm entering the room, and
“ when it actually opened, and a real person
“ entered. These phantasms appeared equally
“ clear and distinct at all times and under
“ all circumstances, both when I was by
“ myself and when I was in company; and
“ as well in the day as at night, and in
“ my own house as well as abroad; they
“ were, however, less frequent when I was in
“ the house of a friend, and rarely appeared
“ to me in the street; when I shut my eyes
“ these phantasms would sometimes disappear
“ entirely, though there were instances when
“ I beheld them with my eyes closed, yet
“ when they disappeared on such occasions,
“ they generally reappeared when I opened

“ my eyes. I conversed sometimes with my
“ physician and my wife of the phantasms
“ which at the moment surrounded me ;
“ they appeared more frequently walking
“ than at rest, nor were they constantly pre-
“ sent. They frequently did not appear for
“ some time, but always reappeared for a
“ longer or a shorter period either singly or
“ in company, the latter however being most
“ frequently the case. I generally saw hu-
“ man forms of both sexes, but they usually
“ appeared not to take the smallest notice of
“ each other, moving as in a market place,
“ where all are eager to press through the
“ crowd; at times however they seemed to
“ be transacting business with each other : I
“ also saw several times people on horseback,
“ dogs and birds. All these phantasms ap-
“ peared to me in their natural size, and as dis-
“ tinct as if alive, exhibiting different shades
“ of carnation in the uncovered parts, as well

“ as in different colours and fashions in their
“ dresses, though the colours seemed some-
“ what paler than in real nature, none of the
“ figures appeared particularly terrible, comi-
“ cal, or disgusting, most of them being of
“ an indifferent shape, and some having a
“ pleasing appearance.

“ The longer these phantoms continued to
“ appear, the more frequently did they re-
“ turn, while at the same time they increased
“ in number about four weeks after they had
“ first appeared. I also began to hear them
“ talk, the phantoms sometimes conversed
“ among themselves, but more frequently ad-
“ dressed their discourse to me; their speeches
“ were commonly short and never of an un-
“ pleasant turn. At different times there ap-
“ peared to me both dear and sensible friends
“ of both sexes, whose addresses tended to
“ appease my grief, which had not yet wholly

“ subsided : these consolatory speeches were
“ in general addressed to me when I was
“ alone, sometimes I was accosted by these
“ consoling friends while in company, fre-
“ quently while real persons were speaking to
“ me ; these consolatory addresses consisted
“ sometimes of abrupt phrases, and at others
“ they were regularly connected.

“ Though both my mind and body were in
“ a tolerable state of sanity all this time, and
“ these phantasms became so familiar to me,
“ that they did not cause me the slightest
“ uneasiness, and I even sometimes amused
“ myself with surveying them, and spoke
“ jocularly of them to my physician and my
“ wife ; yet I did not neglect to use proper
“ medicines, especially when they began to
“ haunt me the whole day, and even at night
“ as soon as I awaked.

“ At last it was agreed that leeches should
“ be again applied to me, as formerly; which
“ was actually done April 20th, 1791, at
“ eleven o’clock in the morning. No person
“ was with me besides the surgeon; but during
“ the operation my chamber was crowded
“ with human phantasms of all descriptions.
“ This continued uninterruptedly till about
“ half an hour after four o’clock, just when
“ my digestion commenced. Soon after their
“ colour began to fade, and at seven o’clock
“ they were entirely white. But they moved
“ very little, though the forms were as distinct
“ as before: growing however by degrees
“ more obscure; yet not fewer in number as
“ had generally been the case. The phan-
“ toms did not withdraw, nor did they vanish;
“ which previous to that time had frequently
“ happened. They now seemed to dissolve
“ in the air: while fragments of some of
“ them continued visible a considerable time.

“ About eight o'clock the room was entirely
“ cleared of my fantastic visitors.”

This very interesting relation by the patient himself, is here introduced in preference to other cases which have fallen under my own experience: but all of which are inferior in interest, and accuracy of observation. Nicolai was a man of unquestionable veracity, of liberal education, and a distinguished author. Although he laboured under a delusion, by seeing and hearing those things which did not exist, yet his belief in their reality was never subscribed:—on the contrary, he knew them to be delusions,

“ A false creation, proceeding from the heat-oppressed brain.”

These apparitions were obtruded on his vision, and their voices struck his ear. Notwithstanding these phantoms had the

“ Power to cheat the eye with blear illusion,”

“ *And give it false presentments,*”——

still he was persuaded that his perception was beguiled. Had he believed in their existence and acted from a conviction of their reality he ought to have been deemed insane. But under Nicolai's own relation of his capability to discriminate illusion from reality, the conclusion is fully warranted, that he was a being responsible for his actions.

It may here be proper to direct the attention of the reader to the motives which have frequently impelled those of unsound mind to the injury or destruction of their fellow creatures:—and from my own experience many have been prompted by a dream or vision, which has been so distinctly revealed and forcibly impressed, that it has carried the conviction of reality and divine command. Some hear voices and obey the mandates which are thus whispered from a BELIEF in the superior authority which has issued them; and after

an outrage has been perpetrated by one of these maniacs, it is astonishing with what coolness and satisfaction he will attempt to justify its necessity, and even undismayed advance to the scaffold. If therefore, there be the same BELIEF in delusion as in reality—if the maniac be persuaded that his vision has brought him into the presence of the Almighty, or that the fancied voice is the divine command, he becomes the subject of pity and protection, but not of punishment. If he be acknowledged insane upon many subjects, and kills another, should he be supposed of sound mind on account of having committed such outrage? Is he to be judged from the state of his intellect, or by the atrocity of the action?

However the maniac may direct the sallies of his violence and resentment against the lives of others, frequently of those to whom he is nearest allied, or bound by obligation and

friendship: yet there is another feature which his disorder assumes, and which always secures the commiseration of mankind. It more frequently occurs in the deranged state of these pitiable persons that they seek to revenge on themselves the supposed crimes they have committed. In our own country, there are more lunatics who destroy themselves, than attempt the lives of others; and in these cases the Coroner's jury has always agreed on a merciful interpretation. Indeed there are but few instances of the impotent folly of degrading the carcass, excepting where self-destruction has anticipated the rigour of the law.

It is of frequent occurrence, that persons labouring under insanity, although of exemplary lives and unblemished character, shall believe themselves guilty of the most atrocious crimes;—reputation, the dearest possession of the sound mind is sacrificed without a regret

by the despairing lunatic;—he accuses himself of cowardice, of fraud, of secret murder, or of a turpitude at which man revolts :—and others blessed with opulence, and enjoying those comforts which render life desirable, become apprehensive of terminating their existence in the work-house. Sometimes the desire of death is so ardent, that they will perpetrate any crime in order to be arraigned and condemned at the bar of justice. Of this extraordinary perversion I shall take the liberty to relate a very striking instance.

A woman about 36 years of age, who had been well educated, but whose conduct had not been exempt from some irregularities, in consequence of intemperance and manifold disappointments, became affected with madness. She was by turns furious and melancholic, and conceived she had murdered one of her children, for which she ought to suffer death. She

detailed the manner in which she had destroyed the child and the motives which actuated her, so circumstantially, and with so much plausibility and feeling, that if I had not known her child to be living I might have been deceived. By her own hands she had repeatedly endeavoured to terminate her existence, but was prevented by constant vigilance and due restraint. Her disposition to suicide was afterwards relinquished; but she still persisted that for the murder of the child she ought to suffer death, and requested to be sent to Newgate, in order to be tried, and undergo the sentence of the law:—indeed she appeared to derive consolation from the hope of becoming a public example, and expiating her supposed crime on the scaffold. While in this state, and with a hope of convincing her of its safety, the child was brought to visit her. When she beheld it there was a temporary burst of maternal affection; she kissed it, and

for a few moments appeared to be delighted:—but a look of suspicion quickly succeeded, and this was shortly followed by a frown of indignation, which rendered the removal of the child a measure of wholesome necessity. Perhaps, in no instance, was the buoyancy of madness more conspicuous over reason, recollection, and feeling. She insisted they had attempted to impose on her a strange child, which bore a faint resemblance to her own; however, by such subterfuges she was not to be deceived; she had strangled the child until life had totally departed, and it was not in the order of nature that it should exist again. The effect of this interview was an exasperation of her disorder,—she became more cunning and malignant, and her desire for an ignominious death was augmented. To render this more certain, and accelerate her projected happiness, she enticed into her apartment a young female patient, to whom she appeared to be

attached, and having previously platted some threads of her bed-quilt into a cord, she fixed it round the neck of the young woman and proceeded to strangle her. Fortunately some person entered the room, and unloosed the cord in time to save her. When this unhappy maniac was questioned concerning the motive which induced her to attempt the destruction of a person for whom she had manifested kindness; she very calmly replied, that as the murder of her own child was disbelieved, she wished to exhibit a convincing proof of the ferocity of her nature, that she might instantly be conveyed to Newgate, and hanged, which she desired as the greatest blessing. With considerable satisfaction I may add, that in a few months, notwithstanding her derangement had been of three years duration, this woman perfectly recovered, and for a considerable time has performed the duties of an important and respectable office.

Influenced by curiosity, and a wish for the advancement of professional knowledge, I have always been induced to scrutinize as deeply as possible into the feelings of lunatics who have perfectly recovered; I therefore wished to be informed from this patient in her sane state, what were her feelings and opinions concerning her former condition. She recollected most of the circumstances which had transpired during her illness, but she was unable adequately to comprehend, or to give any account of her disorder—it seemed to her like a wearisome and protracted dream, but more distinct and connected—she almost doubted with her present feelings if she could be the same person, to have entertained opinions and resentments so different from her natural character. When questioned concerning her attempt to strangle the young woman, she rejoiced that no fatal consequences had ensued, yet she seemed to attach but lit-

the responsibility to any thing she might have committed in that frame of mind. Death, from which, as other human beings, she now shrunk with horror, was then the most desirable of all events.—Respecting the child, she observed her mind was as suddenly seized with the conviction that she had destroyed it, as a person is attacked with the shivering fit of an ague, and feels the sensation of cold in the hottest day of summer. On enquiring if these former impressions often recurred to her mind; she replied in the negative;—that although she could accurately recollect them when questioned, yet they now seemed removed to a vast distance from the natural range of her thoughts:—and that she found herself pleasantly occupied in contriving plans for the welfare and happiness of her future life.

It is therefore not the fear of death which can

arrest the projects of the maniac mind ; for on many occasions they seek it as the greatest consolation ; and quietly submit to seclusion and its consequent privations sooner than renounce their opinions, or withhold their endeavours to accomplish that which appears to them, from the disordered state of their intellect, GOOD and RIGHT, and which by those of sane mind is denominated EVIL and WRONG. A very different opinion has however prevailed ; and it has been conceived that the terror of example would deter lunatics from following the dictates of their dis-tempered minds : and many worthy and pious persons who have been the stanch fau-tors of the dignity of our species, have main-tained, that the Deity never so far abandons the being fashioned in his own likeness, and to whom he has imparted a ray of his intel-lectual light, as to deprive him of the power of discriminating between right and wrong.

To such assumptions, unsupported by reason, and clashing with daily experience, the reader will not expect a serious reply—they must have originated in minds more confident of the perfection and endurance of the intellect, than grateful for its possession.

It is not the object of these pages to shelter crime under the pretence of insanity; or to suppose that some degree of derangement must exist in the mind of the perpetrator:—on the contrary, it is believed, because every day furnishes instances, that men of the highest attainments and most lucid faculties will deliberately commit acts of turpitude,—foreseeing the consequences, and feeling the criminality of the act. But, it would be as much the subject of regret and against the law, that a human being, under a delusion which he firmly believed, and in the persuasion that he was acting from the immediate

influence or instigation of the Divine command, should undergo the sentence of the law to the disgrace of his family :—as that science should ever attempt to contaminate the source of justice, by shielding criminality under the cover of disease.

It has been stated in a former part of this tract, that the medical evidence, in order to impress and satisfy the tribunal before which his testimony is given, should not merely pronounce the party to be insane, but ought to adduce sufficient reasons as the foundation of his opinion. For this purpose it behoves him to have investigated accurately the collateral circumstances. It should be enquired if he had experienced an attack at any former period of his life?—if insanity had prevailed in his family?—If any of those circumstances which are generally acknowledged to be causes of this disease had occurred? as inju-

ries of the head, mercurial preparations largely or injudiciously administered—attacks of paralysis—suppression of customary evacuations, &c. It should likewise be ascertained, if previous depression of mind had prevailed, resulting from grief, anxiety or disappointment—and it should not be neglected to collect any written documents; as insane persons will very often commit to writing their feelings and opinions although they may suppress them in discourse.

There appear however sufficient criteria to discriminate crime from insanity, although it must be confessed, and such has been the opinion of distinguished legal authority, that they have often seemed to be intimately blended; yet there is a partition which divides them, and it is by such well defined interposition that they are to be separated:—for madness, clear and unequivocal insanity, must be esta-

blished by the medical evidence. It is not eccentricity, habitual gusts of passion, ungovernable impetuosity of temper, nor the phrensy of intoxication,* but a radical perversion of intellect, sufficient to convince the jury that the party was bereft of the reason of an ordinary man.

Notwithstanding the medical evidence may be incapable, *totidem verbis*, to give a clear

* A broad distinction should be made between the immediate and remote effects of intoxication. A man is not held guiltless who perpetrates a crime during the state of intoxication. He voluntarily introduces into his system a stimulus which augments his ferocity, diminishes his moral affections, and overshadows his reason. But the usual effect of this stimulus is temporary, he awakes from his debauch rational, and commonly drags after him the heavy chain of reflection. It is however equally true that this single excess may be continued into permanent insanity: he may remain for many months in a state of mental derangement, and during the prevalence of his disorder may be compelled to forego all intoxicating beverage.—If such person after the elapse of several weeks from the commencement of his disorder, should, under its influence, commit a fatal outrage, no system of jurisprudence would connect the violence with the cause which originally produced the disease.

definition of madness, so as to be suited to the conception of all persons, and to comprehend the various shapes of this disease, on account of the various notions affixed by different persons to the abstract terms he may employ; yet it is always in his power to state such perversions of thought—such projects—and such conduct, contradistinguished from that which all men hold to be rational, as shall leave no doubt on the minds of those who are to appreciate his evidence, that insanity exists: and if the person be really insane, it must be from the ignorance or neglect of the medical practitioner, if he do not satisfactorily establish his derangement, provided his opportunities of visiting and conversing with the patient have been sufficient.

In those cases where insane persons have deliberately destroyed others there has been some existing and prominent delusion which

has been fully believed to be TRUE and GOOD and RIGHT, which has constituted the motive, and urged on the miserable victim of this delusion to the accomplishment of his purpose. Lord Erskine in the fewest words has most impressively comprehended this subject, "*In cases of atrocity, the relation between the disease and the act should be apparent.*" And again, "*I think as a doctrine of law, the delusion and the act should be connected.*" With the lunatic the object to be attained has seldom been adequate to the hazard of the enterprize, nor has the motive been proportionate to the violence committed: in the majority of instances some previous intimation of the intended attack has been communicated, if the object has been accessible; and the warning itself has usually borne the stamp of a deranged intellect. These distempered minds have never inflicted violence for private emolument, or personal ad-

vancement, but have been persuaded, that they are selected from the mass of mankind to confer exemplary justice, and to ameliorate the condition of their species. The motive for the injury inflicted has generally been virtuous and honorable in the deluded imagination of the maniac. It is true that on most occasions there has been the utmost subtilty of contrivance and deliberate execution of the projected mischief, whether it has been directed against others, or exerted for their own destruction. The execution of the project so far from being unwise, has usually deceived and astonished the wisest ; but the principle, the firm belief, the motive to action, has been the “ stuff which dreams are made of.”

There is another form of this disorder under the influence of which some insane persons become highly dangerous ; but which

has not been hitherto sufficiently noticed, although it deserves the fullest consideration. As several instances of this state have fallen under my own observation I shall beg to relate two or three cases with as much brevity as may adequately suffice to convey the facts. It has been already remarked that some insane persons who have recovered the proper direction of their intellects have thoroughly remembered the particulars of their diseased state:—in the instances to be related they have retained no trace of their disorder, nor any of the circumstances which occurred during its continuance.

A very powerful man, above the ordinary stature, who in his youth had been subject to epileptic attacks, and frequently to intervals of sullen abstraction, which increased after the epileptic fits had subsided, became suddenly furious, and during the trans-

ports of his disorder destroyed two children and a woman. For this act there appeared to be no motive. He was ordered to be confined, where he continued until his death. For many years during his seclusion I had constant opportunities of seeing and conversing with him. He was ordinarily in a very tranquil state, and did not discourse irrationally;—indeed there was no particular subject on which his mind appeared to be disarranged, nor were there any persons against whom he entertained an aversion. Much of his time was passed in reading, which he said afforded him great consolation. On many occasions I endeavoured to draw from him some account of the motives which induced him to destroy the persons above-mentioned; but he uniformly and steadily persisted that he had no recollection whatever of such occurrence. He said, he understood he had done something which was very

wicked, and for which he was confined; and which he had no doubt was true, from the respectability of the persons who informed him of his crime; but he thanked God he had no more memory of what had passed than if it had been committed in his sleep.—During the years of his confinement he had many furious paroxysms, and in order to be fully satisfied of the truth of his asseverations as to his want of recollection during these attacks, he was once bled at the commencement of the paroxysm, although with considerable difficulty, and on another occasion cupped when its violence was subsiding,—yet when he was restored to his ordinary state of tranquility he neither recollected the persons who were present nor the operations which had been performed.—Of the same class of mental affection was the case of a young lady, who became insane in consequence of having experienced some severe

disappointments. She attempted to destroy herself in various ways, and was therefore obliged to be strictly restrained; but to others she manifested no evil intentions. When spoken to, she returned correct answers, although she never began a conversation. During the day she sat apparently sullen and abstracted, and seemed to take no notice of what was passing. After the elapse of three weeks, as she was sitting in her usual manner, she uttered a shriek, appeared for a few moments in a state of alarm and confusion, and suddenly recovered.—Of her repeated attempts at suicide she had not the slightest recollection.—When I visited her the following day she received me as a perfect stranger; and was not conscious she had ever seen me before; and during several subsequent interviews, in order to be certain of her recovery, I was persuaded she did not retain the slightest remembrance of any of the circumstances

of her malady. A third case of this nature lately occurred. A young man with hereditary predisposition to insanity, his mother and grandmother having been so disordered; in consequence of severe losses, was seized with a paroxysm of furious madness, which continued without abatement for four months. At the expiration of three months he had a considerable mortification on the lower part of the back, which required surgical attention during three weeks. When the sore was healed he was removed to another situation for the treatment of his insanity, where he perfectly recovered. After his complete restoration he neither recollected the asylum where he was first placed, the disease of his back, nor his removal to the situation where he ultimately regained his reason.

To the states of mind above described, the question of good and evil can in no way

apply; because these persons have wanted all recollection of their state, and of any act perpetrated; which implies that they were unconscious of any motive urging them to its commission; and which being unremembered, renders them incapable, as moral agents, of contemplating the RIGHT or WRONG of the act previous to its execution. It is likewise well known, that even idiots, who are ordinarily tranquil, and apparently harmless, will occasionally burst into paroxysms of fury, and deal indiscriminate destruction to those around them, frequently without the slightest cause, and certainly without pre-meditation:—and whose inferior scale of intellect does not enable them to give a reason for their actions. These states have been mentioned that they may be recognized by the medical practitioner, and become known to the advocate, in order that he may apply them to the existing law.

Finally, it is necessary to observe that insanity may be counterfeited by the criminal, in order to defeat the progress of justice ;—and with this view, may attempt to impose on the medical practitioner. During the course of my experience I have witnessed only two attempts of such imposture, and in both instances the deception was so clumsily executed, that it required but little knowledge of the disorder to detect it. To sustain the character of a paroxysm of active insanity would require a continuity of exertion beyond the power of a sane person ;—they do not keep up the deception when they suppose themselves alone and unwatched ;—the assumed malady then disappears, and the imposture is re-commenced when they are in the society of others. They are likewise unable to prevent sleep. If they endeavour to imitate the passive form of this malady, which is an attempt of considerably greater diffi-

culty, they are deficient in the presiding principle, the ruling delusion, the unfounded aversions, and causeless attachments which characterize insanity—they are unable to mimic the solemn dignity of systematic madness, nor recur to those associations which mark this disorder; and they will want the peculiarity of look, which so strongly impresses an experienced observer.

It now remains to treat of that morbid condition of intellect which requires the interposition of the law to protect the person and property of the party so affected.* The

* It has been observed that the finding a commission is like signing the death-warrant of an individual: it certainly consigns his person and property to the management of others appointed by the chancellor. But it should be fully understood that this process is exclusively a process of law, and resorted to by the relations, or trustees for the insane person. The medical

general reasoning which has been adopted concerning insanity, in criminal cases, will equally apply to the present subject; but there are some particular considerations deserving attention in this part of the enquiry. The members of the medical profession have long and anxiously endeavoured to frame a definition of insanity, which is an attempt in a few words to exhibit the essential character of this disorder; so that it may be recognized when it exists;—these efforts have been hitherto fruitless, nor is there any rational expectation that this desideratum will be speedily accomplished. The Lawyer has taken a different view of the subject: he has been little solicitous to become acquainted with the physiological distinctions of disor-

practitioner has no interest whatever in this legal instrument—on the contrary, he is generally a loser by the finding of the commission, which ordinarily implies (though improperly) a confirmed state of disease, rendering less necessary medical advice and attendance.

dered intellect, or the causes producing such state:—these he has confided to the medical evidence to explain. His enquiry has been directed to ascertain if such state of mind prevails, as actually disqualifies the particular person from conducting himself, or managing his affairs, and he expects from the medical evidence sufficient proofs of such incompetence. To this condition of intellect, when satisfactorily demonstrated, the law applies its remedy and protection. This incapacity of conducting himself, or of managing his affairs, arising from a morbid state of intellect;—whether it be from perversion of mind or imbecility, is in the estimation of the lawyer equivalent to a definition of insanity, and perhaps it is the best that can be furnished.

In many instances, the insanity of the person is so clear, so evident and demonstrable, that it is immediately acknowledged by the

commissioners and jury ;—in such cases the medical practitioner has an easy duty to perform. There are however occasions where the state of the persons's mind involves considerable doubt, and creates much difficulty in determining: and in these equivocal and embarrassing circumstances, the skill and experience of the physician must furnish the documents and reasons for the decision of the jury. He is presumed, in consequence of his previous attendance on the patient, from the repeated conversations he has held with him, and from an attentive observation of his conduct, to be fully informed of the state of his mind: and as the commission is commonly granted by the medical affidavit of the party's lunacy, it is a natural expectation that such medical evidence should be competent to prove to the extent he has deposed on oath. The gentlemen who compose the jury and whose province it is to determine on the lunacy

of the party, may not be acquainted with the different species of insanity, nor possess any considerable knowledge of the physiology of the intellect; yet they are entitled, and fully able to exercise their judgment, their honest and plain sense, on those opinions and that conduct which characterize an insane mind, and which disqualify the person so affected from having the management of himself or of his affairs. It is the duty of the medical evidence to become acquainted with his prevailing opinions, and also with his propensity to act on them, to ascertain his capricious partialities and unfounded resentments:—and whether he meditates his own destruction, or seeks to take away the life of another. Either of these propensities originating purely from insanity, both for the safety of the patient and of the community claim the protection of the law. Although the commissioners and jury have a right to expect from the medical evi-

dence a full developement of the patient's condition of intellect, yet it has not unfrequently occurred that even medical persons have so widely differed concerning the mental state of an individual, that one party has deposed to his sanity, and the other has testified to his madness: if therefore such contrariety of opinion should exist between those persons who are supposed most competent to detect insanity, it cannot diminish our confidence in the decision of an intelligent and impartial jury.

It may here be proper to notice that in the criminal court the testimony of others is sufficient to establish the insanity of the prisoner. Under a writ de Lunatico Inquirendo, super-added to the testimony of others, the person supposed to be insane, is usually produced before the commissioners and jury, and by them examined, in order to confirm or invalidate the evidence which has been adduced, and to

satisfy their minds that he is a lunatic at the time of their enquiry. Although there is much fairness and impartiality in the examination of the patient by the commissioners and jury to ascertain by actual enquiry that his state of mind tallies with the evidence deposed: yet it sometimes occurs, that the patient, fully aware of the proceedings, will by subtilty endeavour to defeat them. He will artfully conceal his real opinions and even affect to renounce such as have been deemed proofs of his insanity, and on many occasions he has been so skilfully tutored as to foil the united penetration of lawyer and physician. It is on such occasions that the sagacity and experience of the medical practitioner are demanded, and it will in some instances occupy a considerable time to institute such examination as shall suffice to unravel the real state of his opinions. It is nearly impossible to give any specific directions for conducting

such examination as shall inevitably disclose the delusions existing in the mind of a crafty lunatic; but in my own opinion it is always to be accomplished, provided sufficient time be allowed, and the examiner be not interrupted. It is not to be effected by directly selecting the subjects of his delusion, for he will immediately perceive the drift of such enquiries, and endeavour to evade, or pretend to disown them:—the purpose is more effectually answered by leading him to the origin of his distemper and tracing down the consecutive series of his actions and association of ideas:—in going over the road where he has stumbled he will infallibly trip again. If in a case of actual insanity the medical practitioner, from inattentiveness, mistake, or want of experience should fail to expose the real condition of the patient's intellect, and he should be found not lunatic, he would be set afloat, to pursue the dictates of his perilous

volition ; he might uncontrolled dissipate his property, and reduce himself and family to beggary :—if his life were insured, if he subsisted on an annuity, or held a commission in the naval or military service he might wander and destroy himself, and thereby deprive his successors of their immediate support or expected benefit :—or he might commit some outrage for which he would be arraigned in a criminal court. The record of having been found not lunatic by a jury legally constituted to enquire into the state of his mind, would be the strongest bar to a plea of insanity in a criminal court, who after such proceedings would be little disposed to credit the theories of medical metaphysicians.

It is not necessary to enter on an investigation, or to enumerate all the particular states of mind which may be comprehended under the terms Insanity, Madness or Lunacy, but it

is a subject of grave and important enquiry to ascertain what degree of mental derangement, or imbecility ought to disqualify an individual from being the master of his person and property. It has sometimes occurred that persons evidently under mental derangement have for months continued to transact their affairs with prudence, and have conducted themselves quietly in society. Notwithstanding the disordered state of their ideas, they have not obeyed the impulse, nor followed the direction of their insane opinions, and have forbore to act to their own detriment or to the annoyance of others. Several of such instances have fallen under my own observation: but the greater part have eventually destroyed themselves, or become so furious that seclusion was absolutely necessary. It is therefore impossible, under a state of existing insanity to predict the future conduct of an individual thus affected, or to become

responsible for the continuance of his harmless disposition.

In the discussion of this question it should be kept in view that the medical evidence is called upon to state, in the first place, that the person is of insane mind: and secondly, that in consequence of such state, he is incapable of conducting himself or of managing his affairs. If it be a matter of general and legitimate inference, that a person of insane mind is consequently unable to the management of himself and affairs; the proof of his insanity necessarily involves his incompetency: if it be supposed that, although of insane mind, a man may be capable of conducting himself and his affairs, it is then incumbent on the medical practitioner to shew from the nature and tendency of his particular insanity that he is unfit to be trusted with either. Such prediction must necessarily be the result

of copious experience, and formed in the way of a general conclusion, and it should be understood that this opinion of his incompetency regards his existing condition of mind at the time of the legal enquiry. Although a person might labour under a variety of mental infirmities, which by medical practitioners might be technically denominated false perception, delusion, hallucination, &c. still if these symptoms did not go to the extent of disqualifying him from conducting himself and managing his affairs, such symptoms in a legal point of view would, probably, not amount to insanity, nor justify the restraint of a commission of lunacy. It is true such symptoms seldom occur without producing the incompetency which the law regards as the warrant for its restraint, and fulfils the legal interpretation of insanity.

The employment of terms in an ambiguous

sense has ever been the bane of philosophy, and the obstacle to its advancement. Without the meaning of important words be accurately defined, no general reasoning can be established. On some occasions the term UNSOUND MIND has been introduced, and considerable emphasis has been laid on it by lawyers; as possessing an intrinsic meaning, and designating a peculiar state of morbid intellect, not *precisely similar* to insanity, but of equivalent effect in depriving a person of the management of himself and affairs. It is of the utmost importance that the term *unsound mind* should be fully and accurately considered. Had this term originated from medical persons, it is most probable they would, at least have endeavoured to explain it; but it is of higher descent, and adopted by those luminaries of the law to whom we look up with confidence and respect. The force and extent of the term unsound mind

are described in the luminous judgment of the present Chancellor on a recent case. Of this learned exposition of the law, every medical practitioner should be informed, as it will serve to guide him, when he is called to give his deposition on the state of a patient's intellect. In the judgment adverted to, his Lordship observes, " I have searched, and caused
" a most careful search to be made into all
" the records and procedures on lunacy which
" are extant. I believe, and I think I may
" venture to say, that originally commissions
" of this sort were of two kinds, a commis-
" sion aiming at, and enquiring, whether the
" individual had been an idiot ex nativitate,
" or whether, on the other hand, he was a
" lunatic. The question whether he was a
" lunatic, being a question, admitting in the
" solution of it, of a decision that imputed to
" him at one time, an extremely sound mind,
" but at other times an occurrence of insa-

“ nity, with reference to which, it was neces-
“ sary to guard his person and his property
“ by a commission issuing. It seems to have
“ been a very long time before those who
“ had the administration of justice in this
“ department, thought themselves at liberty
“ to issue a commission, when the person was
“ represented as not being idiot ex nativitate,
“ as not being lunatic, but as being of *un-*
“ *sound mind*, importing by those words, the
“ notion, that the party was in *some such*
“ *state*, as was to be contradistinguished from
“ idiocy, and as he was to be contradis-
“ tinguished from lunacy, and yet *such* as
“ made him a proper object of a commission
“ *in the nature* of a commission to enquire of
“ idiocy, or a commission to enquire of
“ lunacy. From the moment that that had
“ been established, down to this moment, it
“ appears to me however to have been at the
“ same time established, that whatever may

“ be the degree of weakness or imbecility of
“ the party—whatever may be the degree of
“ incapacity of the party to manage his own
“ affairs, if the finding of the jury is only,
“ that he was of an extreme imbecility of
“ mind, that he has an inability to manage
“ his own affairs ; if they will not proceed to
“ infer from that, in their finding upon oath,
“ that he is of *unsound mind*, they have not
“ established by the result of the enquiry, a
“ case upon which the Chancellor can make
“ a grant, constituting a committee either of
“ the person or estate. All the cases decide
“ that mere imbecility will not do ; that an
“ inability to manage a man’s affairs will not
“ do, unless that inability and that incapacity
“ to manage his affairs amount to evidence
“ that he is of *unsound mind* ; and he must
“ be found to be so. Now there is a great
“ difference between inability to manage a
“ man’s affairs, and imbecility of mind taken

“ as evidence of unsoundness of mind. The
“ case of Charlton Palmer in which this
“ was very much discussed, was the case of a
“ man stricken in years, and whose mind, was
“ the mind of a child, it was *therefore in that*
“ *sense*, imbecility and inability to manage
“ his affairs which *constituted* unsoundness of
“ mind.” This is the law, the principle esta-
blished for the regulation of medical opinion;
and it will be immediately perceived, that the
burthen of this ponderous machine, turns on
the explanation which may be given to the
term unsoundness of mind. As far as the
term unsound is employed and understood
by medical persons, it signifies a morbid con-
dition of the human constitution, or a morbid
state of some particular organ, and this state
of unsoundness is inferred to exist from parti-
cular and well marked symptoms, which expe-
rience has detected to indicate, constitutional
or local morbid affections. If this term be

transferred to mind, it is equally incumbent on the person who employs it, to point out the particular symptoms or mental phenomena which characterize this unsoundness of the individual's mind. It ought to be well considered that our knowledge of the intellectual faculties, and of their operations is very limited, and that the progress of the philosophy of mind, has borne no proportion to the rapid advances which have been made by Anatomy, Physiology and Pathology, in the structure, offices and morbid alterations of the body. All that we can know of the mind of an individual is from the communication of his ideas in terms or signs which are conventional between us, in order to be intelligible, or from his actions. Thus by discourse, which is imparted to the ear, or by intelligible characters presented to the eye, which convey his thoughts, and by his conduct, we are enabled to estimate the character of his mind. The

lawyer has been accustomed to receive mental phenomena as the only evidences of the state of an individual's intellect: he would be dissatisfied, and in my own opinion, properly, with any bodily symptoms, such as peculiar conformation of the head, excessive determination of blood thereto, protrusion or glistening of the eye, increased pulsation of the Carotid arteries, &c.—these may be indications to medical person in the treatment of insanity, but they do not constitute any direct evidences of mind. On the scale of intellectual capacity there is an extensive range, some are eminently gifted, and others so sparingly supplied that they are unfit for the common purposes of life, and require to be protected. These are Ideots ex Nativitate. If it be attempted to teach them, they are deficient of the capacity to acquire sufficient to manage the property they may be possessed of, or to conduct themselves. Is it here incumbent on the

medical practitioner to state that this natural deficiency of intellect arises from unsoundness of mind, or that the unsoundness is the effect of such deficiency: in order that the individual may experience the wise, politic, and humane protection of the law?—It frequently occurs that those of extensive capacity and high attainments are by an apoplectic or paralytic attack suddenly deprived of their intellectual faculties, and reduced to the state of an idiot ex nativitate. Is it in this case necessary, for the legal protection of the party, to insist on the hypothesis of unsoundness? Is it insufficient to detail the miserable remnants of his former state, and exhibit to the jury the shocking spectacle? Must there be a compulsion to infer, that this abolition of the faculties amounts to evidence of the unsoundness of his mind? We are acquainted with the mind from the phœnomena it displays; but the cause of these phœnomena is

to us inscrutable: by discourse and conduct we infer its soundness, by the same evidences its unsoundness must be detected. This appears however to militate against the dictum of law, which states, “ Whatever may be the
“ degree of weakness or imbecility of the
“ party—whatever may be the degree of in-
“ capacity of the party to manage his own
“ affairs, if the finding of the jury is only
“ that he was of an extreme imbecility of
“ mind, that he has an inability to manage
“ his affairs: if they will not proceed to infer
“ from that, in their finding upon oath, that
“ he is of *unsound mind*, they have not esta-
“ blished, by the result of their enquiry, a
“ case, upon which the Chancellor can make
“ a grant constituting a committee either of
“ the person or estate.” Is not this extreme
imbecility of mind and inability to manage
his affairs the only evidence of his unsound-
ness of mind? if not, what further is re-

quired? for it is not necessary, according to law, that he should be a lunatic. If these be insufficient to constitute him of *unsound mind*, then the inference is clear and warranted, that he may be of extreme imbecility, and have an inability to manage his affairs, and, notwithstanding all this, may be of *sound mind*: and if *unsoundness*, be *some such state*, as may be contradistinguished from idiocy and lunacy, then an idiot and a lunatic may be of *sound mind*.

In the case referred to of Charlton Palmer, who was a man stricken in years, and “whose
“ mind was the mind of a child, it was *there-*
“ *fore in that sense* imbecility and inability
“ to manage his affairs, which *constituted un-*
“ *soundness of mind.*” Here the imbecility
and inability to manage, *did* constitute the
unsoundness: the words *therefore, in that*
sense, evidently refer to his mind being “the

mind of a child," which is perhaps a mode of expression more familiar than accurate; as no one could properly infer, that the mind of a child was necessarily unsound.

If the word unsoundness be particularly examined, and for that purpose we consult Dr. Johnson's Dictionary, we shall find it employed in three different senses, but no one in which it implies any particular condition of mind:—the adjective unsound has a dozen different meanings, but none in the sense of vitiated intellect. From authority therefore we obtain no information. If we proceed to its derivation, we shall find that our Anglo-saxon ancestors by the word *SUND* (whence our *SOUND*) meant precisely the Latin *SANUS*. *UNSUND* Anglo-saxon, or unsound English, would therefore be of equivalent meaning with the Latin *INSANUS*.

In those instances where the word unsound is used in our own profession, it designates something cognizable by the senses. An unsound tooth bears in its external character or internal feeling, sufficient evidence of its unsoundness. A fistulous sore may appear to be healed, but the skill of the surgeon can readily detect that it is unsound at the bottom: and both the dentist and the surgeon can give sufficient reasons, as the foundation of their opinion. Unsound doctrine, differs from that which is orthodox in certain particulars or essential points, which constitute its unsoundness.

Superadded to these, let the facts be examined as they are recorded in nature and experience. Of the human intellect there can only be three states: sound mind, insanity, and idiotcy. Of these states there may be different degrees. The mind of one

man may be relatively more sound than another; his attention may be more fixed and enduring—his memory more retentive; his judgment may be clearer, and possess superior vigour; and his imagination shall exhibit a brighter flame. Notwithstanding this exalted capacity, the individual who is removed many degrees lower on the scale, may possess sufficient soundness for the purposes of his nature:—he may be capable to conduct himself, and likewise to manage his affairs. Insanity, is another condition of the human mind, and of this state there are various forms and different degrees; and when a morbid state of intellect prevails, under which a man cannot conduct himself, which implies that he is not safe to be trusted with his own life, nor with the life of another—that in his motives to action he cannot discriminate between right and wrong, or with-

out motive is irresistibly impelled to act, and therefore becomes a being, not responsible for his conduct, and is incapable of managing his affairs—such state implies the necessity of being guarded by the instrument of the law: and this state of insanity, which includes all the various terms of madness, melancholy, lunacy, mental derangement, &c. necessarily evinces the unsoundness of the individual's mind. Lastly, idiotcy, which, whether it be ex nativitate, or supervene at any period of life, implies a deficiency of intellectual capacity, to an extent which renders him incapable of the mental offices, which enable a man to conduct himself, and manage his affairs, and which of necessity infers the unsoundness of his mind, and the propriety of legal protection.

These are the states of the human intellect which have a distinct and separate existence,

and which are capable of being described from their manifestations; there can be no intermediate state, and certainly no abstract or independant unsoundness: which, when it is acknowledged, must, on the one hand, be derived from insanity, or from idiotcy on the other. But the law has established a different system, and it is observed that “ It seems to
“ have been a very long time before those
“ who had the administration of justice in
“ this department, thought themselves at li-
“ berty to issue a commission, when the per-
“ son was represented as not being ideot ex
“ nativitate, as not being lunatic, but as being
“ of unsound mind, importing by those words,
“ the notion, that the party was in *some such*
“ *state*, as was to be contradistinguished from
“ idiotcy; and as he was to be contradis-
“ tinguished from lunacy, and yet *such* as
“ made him a proper object of a commission,
“ *in the nature* of a commission to enquire of

“ idiotcy, or a commission to enquire of lunacy.” Accepting this with great humility as the law, it is equally dutiful to endeavour to discover on what facts or experience it was established : and the only clue to this investigation is found in the words “ *in some such state,*” as was neither idiotcy nor lunacy, but “ such” as disqualified him from exercising the volition of an ordinary man, by an instrument “ in the nature” of a commission applicable to ideot or lunatic.

If this undefined unsoundness of mind, can thus dispossess the individual of his liberty, and of the use of his property, under the issuing of a commission, it performs sufficient ; but it may be respectfully enquired, what would be the general opinion, or that of the commissioners of the College of Physicians, if a medical practitioner were to give a certificate to confine a person in a madhouse, declaring

he was neither an idiot nor a lunatic, but of unsound mind?—And what attention would the judge and jury give to a physician in a criminal court who came to prove that a man who had committed murder was not responsible for the crime, because he was neither an idiot nor a lunatic, but of unsound mind; importing by these words that he was in *some such state* as was to be contradistinguished from idiotcy, and as he was to be contradistinguished from lunacy? After having taken this view of the subject, which is the result of extensive experience in this department of the profession, and of diligent enquiry into the nature of the human mind; it appears to me, that the medical practitioner may safely and conscientiously infer unsoundness of mind, if such term he legally insisted on, whenever a morbid condition of intellect prevails, to an extent which deprives the mind of its natural and healthy offices, by produc-

ing an incapacity or inability in the individual to conduct himself and manage his affairs.

From the observations which have been detailed concerning unsoundness of mind there is, according to legal construction, an evident connection between unsoundness and imbecility. My object, however, is not the interpretation of law, but the exposition of nature and fact. It alone interests me to describe the phænomena of mind—to compare the performance of its offices in a sound and morbid state—and to measure by the accredited standard of common sense and intelligible reasoning, the degree of imbecility, inability, or incapacity, which disqualifies an individual to conduct himself and manage his affairs.

The necessity of legal interference and protection in cases of insanity, having been

sufficiently adverted to; it now remains to shew that a person from imbecility of mind may be equally incompetent to the management of himself and affairs. The mind may be weak from birth, or it may at any period of life become enfeebled by disease. Like the body it has its regular periods of growth and development, of maturity and declension: but they are not periodically connected. An unusual precocity of mental vigour has been occasionally remarked; and in advanced age the wisdom of the man frequently survives the infirmities of the body. Men are relatively competent, wise or foolish, learned or ignorant, compared with others. On the scale of intellectual being, we may place the philosopher at the summit, at the bottom the degraded idiot: and in the population of this world the intermediate range is adequately filled up. There are many considerations which demand attention on this important

subject. To state that certain acquirements were to be attained as the proof of competency, would be an imperfect criterion. Much might be acquired *memoriter*, which the learner would not understand: a very feeble intellect, insufficient for the purposes of human affairs, might be trained to answer correctly a string of known questions, without being able to comprehend or adapt them to any useful purposes. It should likewise be considered that the different departments of employment require very different degrees of mental capacity. A person might be able to manage duly a small income, who would be inadequate to the distribution of a large revenue: a man might be competent to keep a shop, who would become overwhelmed and distracted in the learned professions: a country squire might gallop hospitably through life, without being able to discharge his duty as a magistrate. It is not the want of ac-

quirement that should disqualify an individual ; many persons from distaste, indolence, from neglect of parents and guardians, remain lamentably ignorant in the current acceptation of the words—they are unable to write or read, they are unacquainted with the symbols which represent numbers : yet with these deficiencies they are enabled to conduct themselves in the world. Speech itself is not absolutely necessary ; because a person born deaf, and consequently dumb, if he understood the signification of characters, called letters, and their composition, termed words : if he comprehended that such words were significant of such things, so that when the object was presented he could select the appropriate word, and alternately when he saw the word could point to the thing :—moreover, if he had learned to form these characters, he would possess a sufficient substitute for speech, and become capable of intelligible

communication—as a correspondent he would be on a level with him who enjoyed the utmost fluency of speech. So bountiful has the author of nature been in the construction of the human frame, that when one avenue to knowledge has been impervious, it has been transmitted through the medium of another; sufficiently to constitute the person an intelligent being and a moral agent. It is the *capacity* of acquirement to which we are to direct our investigations. If a scale were constructed, and a certain degree fixed as the point of competency, the circumstance of his not having arrived at such point, ought not to disqualify the person. It ought to be *determined* that he is unable to acquire so much. It is true a man may be ignorant as far as certain acquirements, which we term learning, are concerned, and which form the basis of ordinary education; he may know nothing of what has passed in the world, which we

denominate the history of our species; but he may be an attentive observer of the objects in nature, and know fully the purposes to which they are applied. Such a man, although ignorant, does not want the capacity to acquire, and therefore ought not to be disqualified. It has occurred to me in many instances, to be consulted concerning persons whose minds have been naturally weak, or enfeebled by disease; and it always appeared that by patient enquiry, a satisfactory estimate of their capacity might be instituted. It would extend far beyond the limits of the present work to detail the whole of the circumstances connected with this subject; but it may be briefly stated that the person exercising his judgment ought particularly to ascertain the power of his attention; as his knowledge of objects, and his memory of them, will depend on the duration of his attention; and it will be indispensably necessary to

investigate his comprehension of numbers, without which the nature of property cannot be understood. If a person were capable of enumerating progressively to the number ten, and knew the force and value of the separate units, he would be fully competent to the management of property. If he could comprehend that twice two composed four, he could find no difficulty in understanding that twice, or twain ten, constituted twenty. This *numeration* also presumes he comprehended that so many taken from ten, or subtracted, which is the converse, would leave so many as the remainder—without such capacity, no man, in my own opinion, could understand the nature of property, which is represented by numbers of pounds, shillings, and pence. Indeed the capacity to acquire this knowledge seems to constitute the pre-eminence of man in the creation, as an intellectual being. The same imbecility of

mind is often produced in adults, and in those of advanced age, by paralytic or epileptic attacks, and from various affections of the brain, and requires the same accurate investigation, to determine on the competency of such persons, to be entrusted with the management of themselves and affairs.

From the foregoing remarks, it appears indispensably necessary that some criterion should be fixed as the test of sufficient capacity. In the case even of an idiot *ex nativitate*, it must be ascertained that he is really an idiot; and the same process of investigation, which enables us to determine this fact, will apply to the intermediate gradations of human capacity. All idiots are not of the same degree of intellectual depravity; some possess more memory than others, and display a talent for imitation;—they will whistle tunes correctly, and repeat passages from books,

which they have been taught by ear; but they are incapable of comprehending what they repeat.

There is a degree of intellect, although mean, when compared with superior minds, which will enable a human being to take charge of himself, and transact his affairs; and there is also an inferior degree, which incapacitates him from the performance of those offices: and patient examinations at repeated interviews will enable the observer to ascertain his competency, and to afford a satisfactory evidence of the state of his mind: for the mind of every man may be gauged, both as to its acquirements and capacity. By imbecility, therefore, which may be either natural, or induced by a variety of causes, it will be seen, that I mean a state or degree of mental incapacity equivalent to idiotcy, a degree, which renders him incompetent to the

management of himself and affairs:—and which degree, by observation and enquiry, may always be ascertained. This degree, satisfactorily measured, does, in my own opinion, amount to unsoundness of the individual's mind: as it includes all the mental evidences which constitute unsoundness.

Connected with these subjects, there is a point of considerable importance, and of frequent occurrence, which yet remains to be examined, and with which the present essay will conclude: namely, the state of mind, under which, a person may legally dispose of his property by will. Medical practitioners are often called upon to attest the competence or incapacity of particular persons to the performance of this act, which requires a state of disposing mind. In many instances it is deferred to that extremity of bodily disease when recovery is hopeless. To urge its pro-

priety or necessity at an earlier period, often excites alarm or despondency, and such state of feeling, the medical attendant, in many disorders, is unwilling to excite. As a person of liberal education, and from the enquiries he has made during his attendance on the patient, he is justly presumed a proper judge of his competence to dispose. This instrument is termed a will, which does not simply imply an act of volition, but the volition of a sound or sane mind; because a lunatic, of all men, is most the creature of volition. The same conditions of intellect which have been heretofore enumerated, as exempting him from punishment, and disqualifying him from the management of his affairs, would, as far as a medical opinion may prevail, equally disable him from disposing of his property: such disposal involving the most important part of its management.

There is great, perhaps insuperable, difficulty in considering this subject in a general point of view. It is presumed, that no person, actually under a commission of lunacy, could legally dispose of his property by will, because such instrument confides the management of his affairs to others. But in the judgment before cited, and where the law is expounded by the highest and most competent authority, it appears, that the legal definition of a lunatic, implies a person interchangeably visited by insanity and reason. “The question whether he was a lunatic, “being a question, admitting in the solution “of it of a decision, that imputed to him at “one time an *extremely sound mind*, but at “other times an occurrence of *insanity*, with “reference to *which*, it was necessary to guard “his person and his property by a commis- “sion issuing.”

In the insane mind, these parentheses of reason, have been technically denominated a lucid interval, which in a former work* I have endeavoured to explain, as far as such state becomes obvious to the medical practitioner. Its legal force I do not pretend to calculate. According to the legal interpretation of a lunatic, he ought, in common justice, at those bright periods when he possesses an *extremely sound mind*, to be lawfully allowed the free and valid exercise of his volition. But having noticed in the work above mentioned that the term *interval* is extremely indefinite, as applied both to time and space, it is the province of the law to define its duration and extent. As a constant observer of this disease for more than twenty-five years, I cannot affirm that the lunatics with whom I have had daily inter-

* Vide Observations on Madness and Melancholy pages 44 and 210.

course, have manifested these alternations of insanity and reason. They may at intervals become more tranquil, and less disposed to obtrude their distempered fancies into notice. For a time their minds may be less active, and the succession of their thoughts consequently more deliberate;—they may endeavour to effect some desirable purpose, and artfully conceal their real opinions, but they have not abandoned or renounced their distempered notions. It is as unnecessary to repeat that a few coherent sentences do not constitute the sanity of the intellect, as that the sounding of one or two notes of a keyed instrument, could ascertain it to be in tune. To establish its sanity it must be assayed by different tests, and it must be detected to be as lucid on the subject of those delusions, which constituted its insanity, as on topics of a trivial nature. But the law alone must determine whether it will

consider an individual sane act as a lucid interval, and infer soundness of *mind*, which is the abstract term for all the intellectual phenomena, and implies the aggregate of the ideas of the individual, from a single and successful effort.

If the performance of a sane act by an insane person should be deemed valid, let the converse of the proposition be allowed. Many who have been of accredited soundness of mind have in some instances made such a testamentary disposition of their property as has astonished those who have survived them. Without apparent reason or provocation they have left their property away from their nearest relations to public institutions, officers of state, or to those with whom they were very slightly acquainted. Has this single act, independently of other concurring or collateral evidences of de-

rangement, born the imputation of insanity? Would the uniform tenor of sane and consistent conduct, for many years, both prior and posterior to such act, be set aside for this individual deed? If it should, then long existing insanity ought to be overlooked by a single act of consistency. The reader must be aware that this is general reasoning, as no particular case has been the subject of discussion. The search has been directed to a broad and general principle, without prying into subtil distinctions;—it is reasoning as far as a knowledge of the human intellect, in its sane and disordered state, may be expected from medical opinion; but it presumes not to dictate to that constituted authority denominated law, which in all civilized nations, has been wisely established for the protection and happiness of the community.

