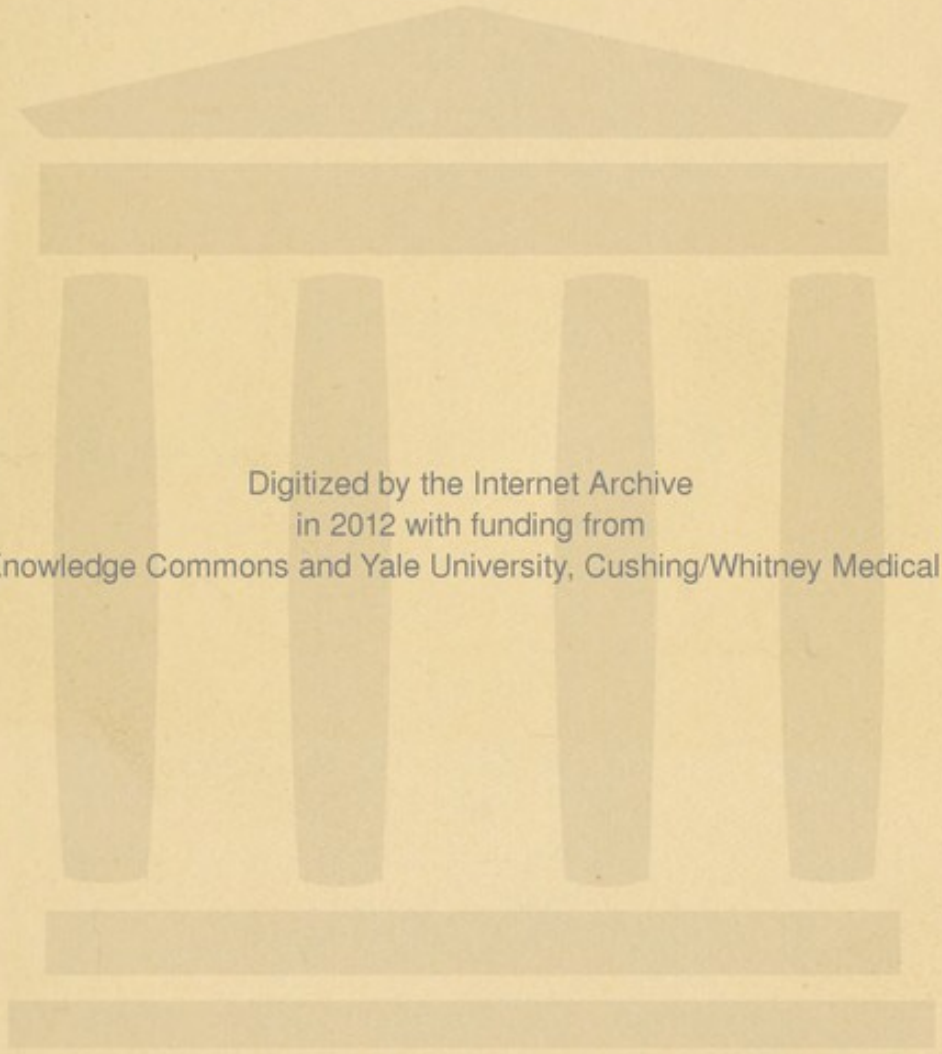
On the different forms of insanity : in relation to jurisprudence, designed for the use of persons concerned in legal questions regarding unsoundness of mind.



ON THE DIFFERENT

FORMS OF INSANITY.

BY THE SAME AUTHOR,

NATURAL HISTORY OF MAN.

(An entire new work,)

BY JAMES COWLES PRICHARD, M.D., F.R.S., M.R.I.A.

Corresponding Member of the Institute of France.

In 1 vol. royal 8vo. Illustrated with thirty-nine Coloured Plates, engraved on steel, and interspersed with numerous Large Wood-cuts. Bound in Cloth, £1 8s. London, 1842.

Joseph Mazzini Wheeler

ON THE DIFFERENT

FORMS OF INSANITY,

IN

RELATION TO JURISPRUDENCE,

DESIGNED FOR THE USE OF PERSONS CONCERNED
IN LEGAL QUESTIONS REGARDING
UNSOUNDNESS OF MIND,

BY

JAMES COWLES PRICHARD, M.D., F.R.S. M.R.I.A.

CORRESPONDING MEMBER OF THE ACADEMY OF MORAL AND POLITICAL SCIENCES IN THE NATIONAL INSTITUTE, OF THE ROYAL ACADEMY OF MEDICINE AND THE STATISTICAL SOCIETY OF FRANCE. MEMBER OF THE AMERICAN PHILOSOPHICAL SOCIETY AND OF THE ACADEMY OF NATIONAL SCIENCES OF PHILADELPHIA. HONORARY FELLOW OF THE KING'S AND QUEEN'S COLLEGE OF PHYSICIANS IN IRELAND, &c.

LONDON:

HIPPOLYTE BAILLIÈRE, PUBLISHER,
219, REGENT STREET.

PARIS; J. B. BAILLIERE, RUE DE L'ECOLE DE MEDECINE.

1842.

LONDON:
PRINTED BY SCHULZE AND CO. 13, POLAND STREET.

TO THE RIGHT HONORABLE

B A R O N L Y N D H U R S T,

LORD HIGH CHANCELLOR OF ENGLAND,

THIS WORK IS DEDICATED,

(BY PERMISSION),

IN TOKEN OF RESPECT FOR HIS GREAT

AND DISTINGUISHED TALENTS,

BY HIS LORDSHIP'S OBLIGED AND FAITHFUL SERVANT,

THE AUTHOR.

ADVERTISEMENT.

THIS work is not offered, as it may be judged from its small extent, as a complete Treatise on Jurisprudence connected with Insanity, or designed to take the ground which has been occupied with more or less of success by the writings of Pyl, Metzger, Heinroth and Hoffbauer, in Germany, by the compilation of Chambeyron, or the works of Esquirol, Marc and Georget, in France, and by the Treatises of Collinson, Dr. Conolly, Ray, and others, published in the English language. Its design is to convey to persons, who either regularly or accidentally are engaged in affairs referring to lunatics, or in trials in which there is question of the sanity or insanity of individuals, such information respecting the different kinds and modifications of mental unsoundness as it may be required for them to possess, in order that they may be enabled to

determine on verdicts, or to direct and instruct juries to that effect. With this design in view, the writer has avoided all technicalities, the use of medical terms that are not absolutely required, and especially of such as are not generally understood. He has described the different kinds of madness, not according to the distinctions and often erroneous and burthensome definitions of authors, but as they actually exist. In some instances he has adopted new terms, but they are only used for describing objects which have not hitherto been distinguished as they ought to have been. In all such instances he has explained fully his meaning, and has given, as he hopes, sufficient and convincing evidence of the propriety and necessity of adopting the discriminations which he has pointed out.

Bristol,
August 20th, 1842.

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ON THE

DIFFERENT FORMS OF INSANITY

IN

RELATION TO JURISPRUDENCE.

SECTION I.

ON THE DIFFERENT KINDS OF MENTAL UNSOUNDNESS, AS HITHERTO UNDERSTOOD BY ENGLISH JURISTS.

In all civilised countries, where inquiries into the subject have been made, the number of persons, whom the inscrutable counsels of Divine Providence have deprived of reason and removed from moral responsibility, has been found to be so considerable, that it has been judged necessary to adopt some legal measures for separating them from the community, and for preventing the inconveniences to themselves and others, that might otherwise arise from the circumstances of their peculiar

state. As the condition of the insane is such as to render them incapable, so long as it continues, of exercising civil rights, this disability has been provided for, and various regulations have been established, in order to secure their persons and property, and, as far as possible, the interests of their families from the contingencies to which they might be exposed. The objects in all such proceedings being the same, the same general principles have every where directed the legal provisions which relate to them, though some differences exist in the means adopted in different countries for attaining the ends in view. By the jurists of some countries, it has been thought right to point out, with greater precision than elsewhere, the kinds and degrees of mental disorder and weakness which have been supposed to involve a suspension of civil rights.* In the endeavour to attain this greater precision, it is obvious that a risk of serious mistakes has

* The English law names only two classes of persons who are judged to be unsound of mind, viz., *Idiotæ*, or natural, or congenital idiots, and *Lunatics* or madmen. In the French legal code, occasional references are made to three classes of persons, whose affections are termed respectively: Folie, Démence, and Imbécilité, or Madness, Fatuity, and Imbecility.

been incurred, since the history and the essential nature of the affections to which the law must have referred, may not always have been well understood. It has been wisely observed by a German writer on this part of jurisprudence, that when the objects on which legislation must be exercised are but imperfectly comprehended, it is better that the law should be indefinitely expressed, than that danger should be incurred of establishing distinctions on erroneous principles.* A short review of the decisions and of the definitions attempted to be laid down, from time to time, by the jurists of this country, will furnish, if I am not mistaken, an ample commentary on this remark.

The designations adopted by English lawyers, in reference to the insane, were at first very general, and left much to the result of inquiry in particular instances, and to the opinions of juries as deduced for evidence, and founded on the particular circumstances of each case. The

* "All legislation," says Hoffbauer, "ought to proceed on the ground that the objects to which it refers are well known and understood; but this knowledge failing, it is better that the law should leave things undefined than that it should define erroneously, and thus introduce mistakes which would be perpetuated by its authority." *Die Psychologie in ihren Hauptanwendungen auf die Rechtspflege, von Hoffbauer.*

term "idiota" was used of old in writs as a wide sense, as comprehending "not only natural fools but all persons labouring under mental disorder and incapacity." Lyttleton, one of the most eminent lawyers of the fifteenth century, who wrote before the English language had acquired its full developement and was generally used in courts of law, adopted a Latin phrase, for want, as it would appear, of an expressive term in the Norman French. He says, "That a man of *non-sane memorie* is in Latin termed non compos mentis."* For this, Lyttleton is commended by Lord Coke. "Many times, as it appeareth, the Latin word "explaineth the true sense and calleth him not "amens, demens, furiosus, lunaticus, fatuus, stultus, or the like, for '*non compos mentis*' is more sure and legall." No expression could be better fitted than this as a general term. The class of *non compotes mentis*, or of persons not in possession of their mental faculties, or incapable of properly exercising them, evidently includes all those respecting whom, on

* Coke on Lyttleton, Lib. 3, Sect. 405. "Item si home que est de non sane memorie, que est a dire en Latin, *qui non est compos mentis* ad cause d'entre en ascuns tiels tenements," &c.

account of their mental state, it is necessary to legislate. In a more modern phrase of the same import, they are of unsound mind. Lord Coke afterwards proceeds to divide these persons into four classes. "Non compos mentis, he says, is of four sorts. First—Idiota, which from his nativitie, by a perpetuall infirmitie, is non compos mentis. Second—Hee that by sicknesse, griefe, or other accident, wholly loseth his memorie and understanding. Third—A lunatique that hath sometimes his understanding and sometimes not, '*aliquando gaudet lucidis intervallis*,' and, therefore, he is called '*non compos mentis*,' so long as he hath not understanding. Lastly—Hee that by his own vitious act for a time depriveth himselfe of his memorie and understanding, as he that is drunken. But that kinde of non compos shall give no privilege or benefit to him or to his heires—'for omne crimen ebrietas et incendit et detegit.'"*

The first remark that occurs, when we take into consideration these distinctions laid down by Lord Coke, is that the individual declared to be an idiot, must have been such from his birth, or "idiota ex nativitate." This could

* Lord Coke in Beversley's case.

hardly be proved in the strict sense of the terms of any, and probably most idiots become such owing to diseases of the brain, which affect them during infancy. But it would be of no consequence in regard to any practical result, whether idiotism were really congenital or induced by infantile diseases, which prevent the natural developement of the brain. The distinction, however, whether idiotism displayed itself from early infancy or in after life, namely, in adult age, has been regarded as important. In a writ, "de idiota inquirendo et examinando," it has been specified that the sheriff shall "enquire whether I. of B. the brother and heir of T. of B. was a perfect idiot from the time of his nativity, by which the custody of his lands and tenements ought to belong to the king, or fell by misfortune, or in other manner, into such infirmitie afterwards, for which such custody ought not to belong to the king."* In this last case, that is with respect to a person who has lost the possession of his mental faculties through disease in after life, which Lord Hale calls, "Dementia accidentalis vel adventitia," though the party in every thing else be entitled to the same protection as an idiot, and though

* Bacon's Abridgement, p. 267.

his disorder seem permanent and fixed, yet as he had once reason and understanding, and as the law sees no impossibility but that he may be restored to them, it makes the king only a trustee for the benefit of such an one, without giving him any profit or interest in his estate."*

The stress laid upon this circumstance, that the idiot should have been such from his nativity, or as it would have been more correctly expressed, from his infancy, depends on the supposition that such a disorder is more permanent in its nature than any other kind of fatuity.

It may be questioned whether the definition of idiot, adopted by the old jurists, was not in other more important respects somewhat too restricted. An idiot is thus defined in the form of a writ: "He who shall be said to be a sot or idiot from his birth is such a person who

* Fitzherbert's Natura Brevium, p 238.

Other forms of writ "de idiota inquirendo" in the Registrum Brevium are as follows:

"Rex escætori salutem: Quia accepimus quod A de B. fatuus et idiota existit, ita quod regimini sui ipsius, terrarum, tenementorum, bonorum, et catallorum suorum non sufficit," &c.

Another form is—"Quia A. idiota et adeo impotens ac mentis suæ non compos existit, quod regimini sui ipsius, terrarum vel aliorum bonorum suorum non sufficit," &c.

cannot account or number twenty pence, nor can tell who was his father or mother, nor how old he is, &c., so as it may appear that he hath no understanding of reason what shall be for his profit or what for his loss; but if he hath such understanding that he know and understand his letters, and read by teaching or information of another man, then it seemeth that he is not a sot or natural idiot."

At the time when this and other similar forms were devised, it is evident that idiotism was contemplated as a state absolute, and admitting of no degrees. It may, however, be regarded as only the extreme degree of mental weakness or imbecility, of which there are innumerable stages or gradations from a merely feeble condition of the mental faculties down to a complete abolition of intelligence. In point of fact, there are many degrees of deficiency, which, though falling short of the state described in writs and denominated by the law "idiotism," nevertheless render the individual affected, incompetent to the ordinary duties of life, and require and actually obtain the tutelage or protection of guardians for the care of both person and property. Such instances, though they form a great proportion of the cases which re-

quire the interference of the law, are excluded from Lord Coke's four classes of "non compotes." Nor is any place to be found in either of these departments for the ordinary cases of Insanity, which constitute the remainder of the instances for which writs are issued. It is obvious that cases of madness do not belong to the first class. From the second, comprehending persons who have lost their memory and understanding, meaning those whose faculties have been obliterated by disease or extreme age, they are equally excluded. The third class, restricted to madmen who have lucid intervals, comprehends a very small proportion indeed of insane persons; and the fourth admits only those who have destroyed their mental faculties by intemperance.

An attempt to enumerate the forms of mental unsoundness, which excludes by incorrect definitions nearly all the objects which it was intended to distribute, could hardly fail more completely of its design. The term "lunatic," used in a different sense from that given to it by Lord Coke, and with a tacit understanding that it shall comprehend all cases of mental incapacity, is more generally adopted in writs for inquests. The subdivision of madness into

total and partial insanity, was introduced at a later period by Lord Hale. The meaning of these terms and the propriety of their use will be considered in the following pages. I now proceed to explain the opinion entertained as to the nature and limitation of insanity by lawyers of the present time.

SECTION II.

OF THE NATURE OF INSANITY ACCORDING TO THE PREVAILING OPINION OF ENGLISH LAWYERS.

An opinion has long been prevalent among the public which has been countenanced by medical writers, and at length received and adopted by men of high authority in the law, that insanity consists in, or is ever characterised and manifested by the belief of some unreal and merely imaginary fact, so impressed upon the mind of the insane person, that he never can be brought to doubt or examine the evidence on which he maintains the conviction, while, though pertinaciously adhering to a groundless persuasion, he enjoys the full use of his mental

faculties in all other respects and to all other purposes. This opinion of the nature of insanity is founded upon facts, though these facts have been stated in an exaggerated manner, and are supposed to be of general occurrence, while they are in reality rare, and by no means so strongly marked as they are stated to be.

Mr. Locke is cited as an authority for this opinion in modern times. M. Locke, who is said to have practised a short time as a physician, remarked, "that madmen mistake some false impressions for truths, and by the violence of their imagination having taken these fancies for realities, make right deductions from them. Hence, a man who is of a right understanding in all other things, may, in one particular, be as frantic as any in Bedlam." "Madmen put wrong ideas together, and so make wrong propositions, but argue and reason right from them." Mr. Locke's notion as to the nature of insanity is, that it consists in mistaking unreal suppositions for truths, or in holding fancies for realities. It seems to have been the opinion of this celebrated writer, that the insane person retains, in the meanwhile, all the powers of his mind in perfect integrity when directed to other objects, and can even reason

correctly on any topic with which his delusion is connected, with the single exception that he mistakes one false impression for a reality, or has one erroneous conviction.

It is difficult to suppose that medical writers, who had abundant opportunities of personal observations, should have been led astray by the theoretical opinion of Mr. Locke, and yet such appears to have been the fact.

Dr. Battie in his Treatise on Madness, says, "Qui species alias veris capiet, commotus habebitur," and this, by all mankind as well as the physician, no one ever doubting whether the perception of objects not really existing, or not really corresponding to the senses be a certain sign of madness; therefore, deluded imagination "is not only an indisputable but an essential character of madness."

"*Deluded imagination,*" according to Dr. Battie, *constitutes* "*insanity.*"

To the same purport Dr. Willis lays down what he conceives to be the difference between an unsound and a weak mind.

"A sound mind is one wholly free from delusion. Weak minds, again, only differ from strong ones in the extent and power of their faculties, but unless they betray symptoms of

delusion, their soundness cannot be questioned. An unsound mind, on the contrary, is marked by delusion." "Retention of memory, display of talents, enjoyment in amusing games, and an appearance of rationality on various subjects, are not inconsistent with unsoundness of mind; hence, sometimes, arises the difficulty of distinguishing between sanity and insanity." "The man of insane mind, from disease, having once been 'compos mentis,' pertinaciously adheres to some delusive idea, in opposition to the plainest evidence of its falsity, and endeavours, by the most ingenious arguments, however fallacious they may be, to support his opinion."

Such being the representation given of the nature of insanity by physicians, who, by conversation with the insane, and more frequent opportunities, may be supposed to be correctly informed as to their real condition and the peculiar nature of their mental state, we cannot be surprised to find a similar impression prevalent among lawyers, who partly derive their information from physicians, and partly judge of the nature of insanity in general from the few striking and remarkable cases which are brought before courts of judicature.

The following are the sentiments of Lord Erskine on this subject:—

"In all the cases which have filled Westminster Hall with the most complicated considerations, the lunatics and other insane persons, who have been the subjects of them, have not only had memory, have not only had the most perfect knowledge and recollection of all the relations in which they stood towards others, and of the acts and circumstances of their lives, but have, in general, been remarkable for subtlety and acuteness. Defects in their reasonings have seldom been traceable, the disease consisting in the delusive sources of thought; all their deductions within the scope of the malady being founded upon the immoveable assumption of matters as realities, either without any foundation whatsoever, or so distorted and disfigured by fancy, as to be almost the same thing as their creation. '*Delusion*, therefore, where there is no frenzy or raving madness, *is the true character* of insanity.' In civil cases, as I have already said, the law voids every act of the lunatic during the period of lunacy, although the delusion may be extremely circumscribed, although the mind may be quite sound in all

that is not within the shades of the very partial eclipse: and although the act to be voided can in no way be connected with the influence of the insanity: but to deliver a lunatic from responsibility to criminal justice, above all, in a case of atrocity, the relation between the disease and the act should be apparent."

Sir John Nicholl, in a celebrated case, laid down the same doctrine, even more strongly and without the limitation which Lord Erskine had introduced. He says, "As far as my own observation and experience can direct me, aided by opinions and statements I have heard expressed in society, guided also by what has occurred in these and in other courts of justice, or has been laid down by medical and legal writers; the true criterion is,—where there is delusion of mind, there is insanity; that is, when persons believe things to exist which exist only in their own imagination, and of the non-existence of which neither argument nor proof can convince them, they are of unsound mind; or as one of the counsel accurately expressed it, 'it is only the belief of facts, which no rational person would have believed, that is insane delusion.' This delusion may sometimes exist on one or two particular subjects, though

generally there are other concomitant circumstances,—such as eccentricity, irritability, violence, suspicion, exaggeration, inconsistency, and other marks and symptoms which may tend to confirm the existence of delusion, and to establish its insane character."

It seems, on the whole, to be the settled doctrine of English courts at present, that there cannot be insanity without delusion, or as it is otherwise expressed by physicians, without illusion or hallucination, that is, without some particular erroneous conviction impressed upon the understanding, the affected person being otherwise in possession of the full and undisturbed use of his mental faculties. This is the doctrine of partial insanity, so that a man is supposed to be mad upon one point, and sane on every other particular; a state in itself most incredible. The existence of partial insanity is only admissible in one point of view; namely in that which was taken by the Lord Chancellor (Lyndhurst,) in commenting on the judgement of Sir John Nicholl. It is that the mind is unsound, and not unsound on one point only and sound in all other respects, but that this unsoundness manifests itself principally with reference to some particular object or

person." That this is a correct account of the condition of those who labour under what is termed "partial insanity" will be made, as I trust, abundantly clear in the following pages, in which it will be shown that the disorder is not of that confined and restricted extent of which it is represented to be, and that mental derangement, in almost every case, not only involves a disordered exercise of the intellectual faculties, but extends even farther than the understanding, and implicates more remarkably the moral affections, the temper, the feelings and propensities; that it affects, in reality, the moral character even more decidedly than the understanding. I shall lay before my readers the proofs of this assertion, after premising a few remarks on the various classes of mentally unsound persons who will come under our survey.

SECTION III.

ENUMERATION OF THE DIFFERENT FORMS OF MENTAL UNSOUNDNESS.

Before I proceed to describe the different kinds of mental unsoundness, which is the

principal design of this work, I must lay before my readers a brief outline of the subjects to which I have to solicit their attention, and explain the terms which I mean to adopt, premising that the latter will be as simple as possible. I shall carefully avoid all technical phrases, which only tend to perplex those who are not accustomed to their use, and shall express my meaning in ordinary words, only apprising my readers when I have occasion to use them in a sense at all peculiar. The expressions, partial and general insanity, do not appear to me to be correct, for reasons which will be apparent to my readers; and when I adopt them, it will only be for the purpose of identifying the mental disorders which I am desirous of describing, with those on which former writers have affixed these terms.

The first form of insanity to be touched upon, is mania or raving madness, the disease of those who are incapable of conversing or talking coherently, and who betray immediately their real condition. These persons form in every establishment a great proportion of the total number of lunatics. Their disorder must be studied by medical practitioners, but is of less consequence to general readers, as it

seldom forms a subject of legal inquiry. It is, however, very important in one respect; as being the most frequent forerunner of fatuity or of that permanent obliteration of the mental faculties, under which a great number of persons pass the latter portion of their lives. These persons are neither idiots nor madmen, but their mental condition obviously involves legal consequences. It differs in degree, and has different stages, the phenomena of which require a separate consideration.

After a brief account of mania, such as may suffice for giving a correct idea of its more obvious characters, I shall proceed to the other forms of insanity;—first, to a kind of mental disorder, which, though of frequent occurrence, never received until lately a distinctive name, or was recognised as a modification of insanity. It is now beginning to be admitted as one of the most important forms of mental derangement. I have termed it Moral Insanity, using that expression in a negative sense. I mean to denote by it, a disorder which affects only the feelings and affections, or what are termed the moral powers of the mind, in contradistinction to the powers of the understanding or intellect. To

those who have never considered the subject, it will appear strange to assert that there is a kind of insanity which does not affect the intellectual faculties. I must refer such readers to the section on moral insanity.

The next disorder to be described is monomania, the name of which is in general use. In this disease, intellectual aberration or delusion is superadded to the phenomena of moral insanity. This is the disease termed partial insanity by various writers.

A separate consideration must be given to another class of mental affections, very important in a legal point of view, and of very difficult investigation. These are distinguished in the following treatise, by the name of Insane impulse, or Instinctive madness. The character of the disease is a liability to sudden impulses to commit acts which bespeak madness, or are not those of a sane person. Such acts are often of an appalling and atrocious kind; and they are the more dangerous, as the individual who attempts them is in his usual state, calm, and in all appearance sane; he is at least capable of coherent and apparently rational conversation, and may be mistaken for a man in his sober senses. It is often very difficult

to determine whether such persons are criminals or lunatics. I shall endeavour to state the considerations which may, in some degree, assist us in coming to a conclusion on this point.

Having described the different forms of Insanity, or Madness, I shall briefly advert to the remaining kinds of Mental Unsoundness. These are, first—Fatuity, or mental decay, in its different stages and varieties. Secondly: Idiotism and imbecility, or original weakness, in which the mental faculties have never been fully developed. This occurs in various degrees, and the several degrees involve legal consequences more or less difficult of investigation. Some contingent inquiries will find their appropriate place at the close of the work. The whole of these subjects will be discussed in the most concise manner that is compatible with sufficient accuracy of detail, it being my principal object to render my book one of general utility.

SECTION IV.

MANIA, OR RAVING MADNESS.

Mania, or Raving Madness, which is sometimes termed Total or General Insanity, as

distinguished from Monomania, or Partial Insanity, is a disease of which the description is less interesting to persons who are not medical practitioners. Its existence, being immediately manifest and admitting of no dispute, seldom or never becomes the subject of legal inquiry. It will be proper, however, to give such an account of this affection as may furnish the reader with some idea of the nature and phenomena.

Mania sometimes makes its attack suddenly, after exposure, great fatigue, or vehement excitement of passion; more frequently it has a sort of preceding stage, during which the person affected is more excitable and irritable than he usually is, is subject to occasional fits of passion, accompanied with confusion of ideas. He passes days in a state of feverish agitation and general uneasiness; is full of activity, and displays a morbid energy in the pursuits on which he is intent; in which, however, he performs nothing, his projects being for the most part trifling and absurd. He loses his appetite, or neglects food, passes sleepless nights, either lying awake or fatiguing his mind with various speculations, or rising often and walking to and fro in a state of uneasiness and perturbation. His reason is soon found to be disordered; he appears scarcely to know

what he says, talks nonsense, repeats his words frequently, is unable to complete the sentences which he begins, and makes ineffectual efforts to collect his thoughts, utters rapid and confused expressions in an impetuous manner, cries, laughs, appears irritable, and prone to anger, though, perhaps, naturally of mild and sedate temper ; is impatient of the most trifling opposition, and absurdly obstinate and capricious, expressing his feelings with an unreasonable degree of warmth and excitement.

The disordered state of a person under these circumstances is always apparent to those who surround him ; but it is sometimes doubted whether he is completely mad and a proper subject of restraint, until some attempt being made to oppose him, and interfere with his wild pursuits, he breaks out into a degree of violence, which obviously requires coercion.

Attacks of madness frequently come on attended with symptoms of fever. It is often difficult to determine whether these bodily ailments are properly symptoms of the disease, or result from the constant agitation of the patient. Occasionally, indeed, there are well marked indications of inflammatory disorder affecting the head. This, as it might be sup-

posed, is more frequently the case when the disease follows causes of strong excitement, such as a fit of intoxication, or exposure to the heat of the sun, or some injury of the head. In young females, mania frequently makes its approach with hysterical symptoms, as with paroxysms of sobbing, crying, laughing, attended with a sense of suffocation, and with a suspension of consciousness. When the disease is fully developed, the state of the patient is manifest; he sometimes breaks out into a fit of raving madness, in which anger is the predominant feeling, and this is directed against his nearest relations, or most affectionate friends, who excite his animosity by exercising necessary restraint, and resisting his absurd attempts; and who have, perhaps, threatened to put him into confinement, or have carried the proposal into effect.

The manifestations of mania vary according to the predominance of particular emotions or feelings in the natural disposition of the patient; and the individual character of the disease is, in some measure, determined by the mental habits and temperament. But this is not uniformly the fact; sometimes the mildest and most gentle persons become violent and

abusive; and delicate females, of modest and retired habits, utter the most obscene expressions, in a manner surprising to those who have been previously acquainted with them. Many appear as if possessed by an evil spirit suggesting thoughts and feelings foreign to their nature, and to the character of their minds. Mania, not less than Monomania, is a disease which affects the passions; and it often appears to consist principally in a morbid exaltation of feelings. In some, anger, in others joy or sorrow, is the prevalent state of the mind. Cases of this description are sometimes supposed to be examples of Monomania; but this is an error; since by the term Monomania, it is intended to designate a form of mental disease, in which the patient is capable of reasoning calmly and coherently on subjects unconnected with a particular train of thought, or with some hallucination, or illusion. In acute mania, it sometimes happens that particular impressions predominate for a time, and occupy the mind to the exclusion of all other ideas and feelings; but there is no coherence, the thoughts appear to be hurried and confused on every attempt to express them; and it is often observed, that the impression is

changed after an interval of quiet, or a short period of sleep, and that some different train of ideas now occupies the mind, having a similar relation to the prevailing state of the feelings. Those maniacs who are agitated by terror, fancy at one time that they are about to be devoured by wild beasts, at another that they are surrounded by devils, or going to be hanged or drowned.

Chiaruggi, an Italian physician, whose graphical description of Insanity has been celebrated, has termed the period of greatest intensity, in which acute mania assumes its completely developed form, its second stage. This writer has thus described the most intense period of raving madness:—

"In the second stage, anger, violence, and the loss of reason, manifest themselves in their greatest intensity, in shrieking, roaring, raging, abusive expressions and conduct towards the dearest friends and nearest relatives, who are now looked upon as the bitterest enemies. The patient tears his clothes to tatters, and destroys and breaks in pieces whatever comes in his way. A striking and characteristic circumstance is the propensity to go quite naked. Whoever touches the patient, is abused or

struck by him; strange confused ideas, and absurd prejudices occupy the mind. Stillness soon follows, or a murmuring sound, as if the patient were alone; on the other hand, if alone, talking and gesticulating, as if in company. If such individuals are confined and tied during the height of their paroxysms, for their own security and that of others, nothing can be compared to the truly satanical expression which their countenances display. In this state they throw hastily away, with cries and shrieks, all the food presented to them, except fluids, which thirst compels them to receive.

"When, after some days, hunger begins to be felt, they swallow everything with brutal eagerness; they even devour, as it has often been observed, their own excrements, which, black and offensive, escape from them in great quantities, or smear with them, clothes, beds, and walls. Notwithstanding his constant exertion of mind and body, the muscular strength of the patient seems daily to increase; he is able to break the strongest bonds, and even chains—his limbs seem to acquire a remarkable nimbleness and pliability, and a singular aptitude of performing movements and actions, which appear almost supernatural."

Chiaruggi saw a woman who, although clothed in a strait-waistcoat, and bound down in a bed, like a child in a cradle, drew out her limbs from this double confinement, with the greatest nimbleness and pliancy. After this violence has expended itself, the maniac becomes still and gloomy, appears to be reflecting, or brooding over something, but breaks out again before it can be anticipated, into a new storm of rage. At length the third stage comes on; a real cessation of violent paroxysms now ensues; exhaustion, sleep, though unquiet, disturbed by fearful dreams. The pulse is small, the aspect of the whole body squalid, the countenance pallid and meagre. The patient is obdurately silent, or sings and laughs in a strange manner, or chatters with incessant volubility. These uncertain intervals, when the disorder puts on the appearance of fatuity, are frequently interrupted by new but short renewals of violence. The memory, for the most part, remains unimpaired through all the stages; and during the highest intensity of the disease, the senses appear to acquire an unusual degree of acuteness and susceptibility. A patient, who had recovered, described to Chiaruggi all the scenes

of his wild reveries, and long-continued mental perturbation. It has often been remarked, that maniacal patients of this description, are never attacked by any epidemic, and are seldom affected by any contagious malady. As Mead and many other writers have observed, even consumptive disorders, dropsies and other chronic maladies, have disappeared on the accession of violent insanity. When patients are not freed from the disease, after a succession of attacks, which come on like so many paroxysms of fever, one or another of the following events ensues:—either the powers of the mind are exhausted to that degree, that the disease subsides into a permanent fatuity, or this appearance of fatuity is only a period of calmness, interposed between relapses of violent madness, which now and then break out, like the eruptions of a volcano after a long period of repose; or the patient falls into a state of melancholy, or of complete mental confusion; or, finally, his madness becomes chronic, and he scarcely recovers from this condition, in which sense and understanding appear to be lost in incoherence. Chiaruggi saw a woman, who had sat during twenty-five years on a stone floor, in a fearfully demented state,

beating the ground with her chains without ceasing night and day.

A great number of Maniacal cases terminate in a species of Fatuity, which medical writers term Dementia. This disorder depends upon a disease of the brain, which appears to be the result of long-continued excitement. It is similar in many respects to the decay of the mental faculties, which often accompanies extreme old age. It follows, likewise, other disorders of the brain, as epilepsy, apoplexy, and paralysis. It is very different, in its characteristic symptoms, from idiotism and natural imbecility, and requires a separate description under an appropriate name. I shall adopt that of Fatuity instead of Dementia, as the former is a word in common use, and will answer equally well the purpose of a distinguishing epithet.

SECTION V.

MORAL INSANITY.

Moral insanity is a disorder of which the symptoms are only displayed in the state of the

feelings, affections, temper, and in the habits and conduct of the individual, or in the exercise of those mental faculties which are termed the active and moral powers of the mind. There is in this disorder no discoverable *illusion* or *hallucination*, or false conviction impressed upon the belief similar to the delusive or erroneous impressions which characterise monomania. It is often very difficult to pronounce, with certainty, as to the presence or absence of moral insanity, or to determine whether the appearances which are supposed to indicate its existence do not proceed from natural peculiarity or eccentricity of character. The existence of moral insanity is palpable and easily recognised only in those instances to which it comes on, as it often does, after some strongly marked disorder affecting the brain and the general state of health, such as a slight attack of paralysis, and when it displays a state of mind strikingly different from the previous, and habitual or natural character of the individual. If a person of quiet and sedate temper, little subject to strong emotions, becomes excitable, violent, impetuous, thoughtless, and extravagant to such a degree as to surprise his friends and relatives, a suspicion is often

produced that this change may depend upon a disordered state of mind. There are many individuals who are subject to alternate fits of excitement and depression; the contrast renders the peculiarities of such persons apparent. The fact that they are so affected is always known to their families, but they are not suspected of insanity, unless the affection is very strongly marked. A gentleman who had been for many years a county magistrate and a person of great talents and great influence, had been several times, during his life, subject to such alternate depression and excitement. During the former state, he was low spirited and dejected, timid and apprehensive, and even kept his bed for weeks; gradually this state was changed; he became then boisterous, irascible, extravagant, and given to intoxication; he would wander about the country in the dress of a horse-jockey, frequented fairs and markets, was followed by horse dealers, and made the most extravagant purchases of horses and dogs, and associated with people of the lowest class. During these times he was overbearing and impetuous; has been known to horse-whip his female domestics. His countenance bore a different aspect from that

which was natural to it, so that his servants and relations immediately recognised the peculiarity. This person displayed in conversation no trace of a cloud on the understanding; he was under no illusion or hallucination. His extravagance and absurd conduct were thought to be ruinous and disgraceful to his family, and on application, a writ "de lunatico inquirendo" was obtained, for the purpose of keeping him for a time in confinement and taking care of his property. When brought before a jury, he displayed the greatest sagacity in accounting for all the odd actions that were alleged of him. He passed some months in a lunatic asylum, where he was treated judiciously, and is now perfectly recovered.

A tolerably full account of this form of mental disease is to be found in my Treatise on Insanity, where it was first named and defined as a particular form of mental disorder. In that work it is thus described:

"There are many individuals living at large and not entirely separated from society, who are affected, in a certain degree, with this modification of insanity. They are reputed persons of a singular, wayward, and eccentric character. An attentive observer will often recognise something remarkable in their manners

and habits, which may lead him to entertain doubts as to their entire sanity, and circumstances are sometimes discovered on inquiry, which add strength to this suspicion. In many instances, it has been found that an hereditary tendency to madness has existed in the family, or that several relatives of the person affected have laboured under other diseases of the brain. The individual himself has been discovered to have suffered, in a former period of life, an attack of madness of a decided character. His temper and disposition are found to have undergone a change; to be not what they were previously to a certain time; he has become an altered man, and the difference has, perhaps, been noted from the period when he sustained some reverse of fortune, which deeply affected him, or the loss of some beloved relative. In other instances an alteration in the character of the individual has ensued immediately on some severe shock which his bodily constitution has undergone. This has been either a disorder affecting the head, a slight attack of paralysis, or some febrile or inflammatory complaint, which has produced a perceptible change in the habitual state of his constitution. In some cases, the alteration in temper and habits has been gradual and

imperceptible, and it seems only to have consisted in an exaltation and increase of peculiarities, which were always more or less natural and habitual."

In a state like that above described, many persons have continued for years to be sources of apprehension and solicitude to their friends and relatives; the latter, in many instances, cannot bring themselves to admit the real nature of the case. The individual follows the bent of his own inclinations; he is continually engaging in new pursuits, and soon relinquishing them without any other inducement than mere caprice and fickleness. At length the total perversion of his affections, the dislike, and perhaps, even enmity, manifested towards his dearest friends, excite greater alarm. When it happens that the head of a family labours under this ambiguous modification of insanity, it is sometimes thought necessary, from prudential motives, and to prevent absolute ruin from thoughtless and absurd extravagance, or from the results of wild projects and speculations, in the pursuit of which the individual has always a plausible reason to offer for his conduct to make some attempt with a view to take the management of his affairs out of his hands.

The laws have made inadequate provision for such contingencies, and the endeavour is often unsuccessful. If the matter is brought before a jury, and the individual gives pertinent replies to the questions that are put to him and displays no particular mental illusion—a feature which is commonly looked upon as essential to madness—it is most probable that the suit will be rejected. Persons labouring under this disorder are capable of reasoning or supporting an argument upon any subject within their sphere of knowledge that may be presented to them; and they often display great ingenuity in giving reasons for the eccentricities of their conduct, and in accounting for, and justifying the state of moral feeling under which they appear to exist. In one sense, indeed, their intellectual faculties may be termed unsound; they think and act under the influence of strongly excited feelings, and persons accounted sane are, under such circumstances, proverbially liable to error, both in judgement and conduct.*

Although Moral Insanity has hitherto been

* When I was engaged in writing the treatise to which I have already referred, Moral Insanity was a new term; the disease which I intended to describe under that name, had not been previously recognised, and I visited many lunatic asylums both in England and on the continent, for the pur-

little known and scarcely recognised, this is by no means to be ascribed to infrequency of occurrence. In a late report of the Lunatic Hospital for Massachusetts in the United States, it has been observed by the writer, Dr. Woodward, who has examined the records of the hospital with a view to this particular inquiry, that at least one fourth part of the lunatics, committed as such, by the courts of that state, belong strictly to the class whose disorder is Moral Insanity. I have been assured by all the keepers of large lunatic hospitals with whom I have conversed and corresponded on this subject, that similar cases are very numerous

pose of obtaining information, and made inquiries of many physicians who had the most ample opportunities of observing the phenomena of insanity, in order to collect their opinion as to the real existence of the affection which I have thus designated. From Dr. Hitch, superintendant of the Lunatic Asylum at Gloucester, I received the statement which I have cited in the text, as well as a highly valuable collection of cases exemplifying the disease. These with others are published in my work. They appeared to M. Esquirol, the most celebrated writer on Insanity of the present age, so characteristic and remarkable that he translated the whole of them, and published them in his last and principal work, des Maladies Mentales, 2 v., 8vo., avec 27 planches gravées, Paris, 1838. It is from this collection that the cases here inserted are taken.

to the houses under their care. Dr. Wake, in particular, physician to the York Asylum, has assured me that he considers no point relating to the history of mental derangement better established than its existence. From Dr. Hitch, superintendent of the County Asylum, at Gloucester, I received the following communication on this subject, which, as it is of great consequence to establish the existence of Moral Insanity to the full conviction of my readers, I shall cite the words of the writer:

"I could easily furnish a great number of instances coinciding with your description of *Moral Insanity!* We have recognised them here for a very considerable time, and term individuals so affected, "*insane in conduct and not in ideas,*" a distinction which has often led us into a difficulty of explanation, and a still greater difficulty of producing conviction, when justifying our detention of a patient, who has made a plausible and very reasonable tale to the visiting magistrates. Your discrimination of this disease, from intellectual insanity, and the further separation of the latter from actual madness, or mania, has much gratified me; it accords with my own observations, and

tends to support a belief which I have long indulged, that many who have been convicted of crimes ought to have been pronounced insane."*

* M. Georget, one of the most able of French writers on disorders of the mind, has given, in his work on Insanity, and in some articles contributed by him to the *Dictionnaire de Médecine*, a very full description of that disease, in its ordinarily observed forms of Mania and Monomania, or Raving Madness and Madness characterised by hallucination, without recognising the existence of Moral Insanity ; but in one of his controversial works, where the points at issue called for an accurate analysis of facts, he has fully admitted the existence of this form of mental derangement, nearly in the terms used by Dr. Hitch. He says, " Enfin il est des malades qui ne déraisonnent point du tout, et chez lesquels on n'observe qu'une perversion plus ou moins profonde des sentimens et des affections, sans agitation marquée, ni fureur, ou bien un état habituel d'agitation, de colère, d'emportement et quelquefois même de fureur, mais *sans lésion du jugement, sans déraison.* Si vous causez avec ces différens malades, de tout ce qui est étranger à la partie morbide de leur état mental, en général vous ne trouverez pas de différence entre eux et toute autre personne ; non-seulement ils font usage des connaissances acquises, mais ils peuvent encore apprécier la valeur de faits et de raisonnemens nouveaux. Bien plus, ils conservent tellement la notion morale du bien et du mal, du juste et de l'injuste, des convenances sociales, que toutes les fois qu'ils oublient leurs souffrances morales et leurs illusions, ils se conduisent dans leurs réunions, comme on le fait ailleurs, s'informent

In order to afford my readers a clear conception of the nature of this disorder, it will be necessary to occupy some pages of the present work, with the history of particular cases. The following are among the most characteristic examples :—

Mr. W., aged about forty, was a corn-dealer, and baker, and a man of mild and retiring disposition ; steady in business, regular and domestic in his habits, highly conscientious, religious without ostentation, correct and

avec intérêt réciproquement de leur santé; conservent les égards, la politesse et les usages qu'on observe dans le monde. Ils ont même un motif particulier qui les porte à se voir avec plaisir ; ils se croyent en général victimes d'actes arbitraires, de manœuvres frauduleuses, de projets dictés par la vengeance ou la cupidité, &c. ils compatissent ainsi à leurs communes infortunes. Aussi voit-on rarement, *dans les maisons de fous*, des malades commettre des actes repréhensibles, réputés crimes ou délits lorsque la raison les a dictés, quoique la plupart y jouissent de beaucoup de liberté. On les entend souvent parler d'une manière très-sensée de leurs intérêts ; quelques-uns même gèrent parfaitement bien leur fortune.

"Cependant ces aliénés, en apparence si raisonnables, sous presque tous les rapports, ont ordinairement commis quantité d'extravagances qui ont nécessité leur sequestration et le médecin le plus habile ne pourrait pas répondre qu'ils se conduiront de telle manière ou de telle autre, qu'ils ne prendront pas les engagements les plus contraires à leurs intérêts et ne se livreront pas aux actes les plus repréhensibles."

cautious in his conversation, and kind and benevolent to all persons. His health was considered to be delicate, but he was never ill, and he avoided great exertion, feeling himself not equal to it. He was a married man, and had several children, of whom he was very fond. He experienced some severe losses in his business, which weighed heavily upon his mind, and he became exceedingly depressed. He made great efforts to recover himself from his despondency, and exerted himself with the view of recovering for his family what he had unavoidably lost. He was, to a great extent, very soon rewarded for his efforts. It was shortly afterwards observed by his friends that his increased exertions had improved his spirits, which it was remarked, had become much more elevated than they were previously to his depression. He now began to extend his business, in which he was become more keen ; he displayed more acuteness in buying and selling, and seldom trusted to others any thing he could accomplish himself, and he was ever watchful of an opportunity to make purchases or to effect sales to his advantage. These changes in his habits went on until the character of industry ap-

peared to his friends to be over performed, and they feared that he indulged something like unnecessary exertion and anxiety, and that his excessive activity of mind and body would destroy his health. His journeys became longer and more frequent, and his nights were greatly shortened, and he was often absent from his accustomed place of worship, on Sundays. After some months had passed, and while these changes were going on, his family ventured to remark to him that such extended journeys to transact uncertain business withdrew his attention from that at home, which was regular and profitable. For the first time, he was then observed to speak in a tone of voice and with an expression of feeling which had never belonged to him. Still his family and friends had no fear of madness, but entertained a dread lest he should overstep the line of security in business, or undermine his bodily health by excessive exertion. His temper, which was naturally so mild, from this time grew hasty and irritated; he became incapable of bearing an opinion opposite to his own, and was irritated if a check was offered to his present proceedings. Still he prosecuted the same scheme of business, without

as yet deviating from his course; he extended, but did not alter his plans; and thus were more than ten months disposed of. A change now became manifest in his feelings towards his family; he frequently spent his evenings in the society of others, rather than in that of his wife and children. He spoke in approbation of all that he saw elsewhere, and found innumerable objections to what was done at home; his children were less engaging and intellectual than those of his neighbours, and his wife's domestic arrangements were less complete, and he was evidently less attached to her. He was at the same time in the habit of indulging freely in stimulating drinks, to which he had never been accustomed, and excused himself under the plea, that his great exertions required support. He became addicted to strange women, and the fact being brought home to him by his wife, brought on the crisis which had been long approaching. Having given vent to the most passionate expressions, and threatened violence of the most serious character, he quitted his home, forsook his family and his business, wandered about the country, sleeping in the open air, and subsisting by the meanest artifices. His friends at length found him, and

consigned him to my care. Twelve months had fully elapsed from the time when they perceived a change in his natural habits.

"When I received him, the expression of his countenance was animated and lively; great activity was indicated by the quickness of his eye; but the unsteadiness of his looks together with a quivering smile playing about his lips, marked it as an activity without object or motive. His face was pallid, the conjunctiva finely injected, the pupil contracted; the head was hotter than the rest of the body, and the hair, which was thin, felt crisp; the tongue was foul and the bowels constipated; the hands and feet were colder than the rest of the body, and the former had that soft feel, peculiar to the highly nervous; the pulse was slower than natural, feeling full and bounding, but it could be compressed, and the current of blood checked by the slightest pressure; the respiration was tranquil and regular, slow and scarcely perceptible by looking at the chest. In conduct and manner he was anxious; eager to be doing something; moving from place to place, without any apparent object; transferring every article of furniture that was movable; abounding in speculations and new projects;

proposing long journies to be executed in haste; talking incessantly but coherently, and, for the most part, rationally upon a great variety of subjects; he used no expressions of antipathy against his family, nor indeed against any person, but it was evident that the mention of his wife and children greatly increased his agitation. He had no fixed notion which influenced his conduct and *no delusive ideas.* When addressed on the subject of his situation, he was fully aware of the place he was in, and knew the reason of his confinement. He attached no blame to any one for placing him under my care, and admitted that he had felt unlike himself for some months, but had flattered himself that his health was improved, and that his increased spirits were the legitimate consequences of this and his improved finances—he was conscious of his conduct to his family, but neither blamed himself nor extenuated it. On business he would converse most rationally, but if the opportunity had presented itself, would have expended his money in the most useless purchases. He was capable of making the nicest calculations, connected with his own affairs, and was correct in all his dates when speaking to a second person, but when left to

himself, his conduct and language were absurd in the extreme. This person perfectly recovered in three months."

I copy this case as one in which the deviation from healthful and natural habits was complete, and brought about in the most gradual manner. It is worthy of remark, from the momentary conviction which the individual obtained of his state, when he ceased to direct his own movements, and to be his own master. He often told us, after his recovery, that the idea that he had been mad for some time flashed across his mind at the moment when he entered the establishment.

Simple as this case is, and it is one of the most simple that we meet with, we yet find associated in it all the forms of moral debasement. Simple over-excitement was the commencement of the disorder; but a change in the habits of life and temper, a prostration of the natural feelings and affections, a loss of the sense of moral rectitude, and a complete deprivation of self-control, gradually followed. Of this description of cases, I have met with very many instances—not among those who have fortunately been treated as insane, but among such as remaining at large, have gone

on from one misfortune to another, till they have become beggared in estate and reputation, and sunk at length into a loathsome gaol or a wretched workhouse.

Case 2.—The following case is not a common one. In the spring of 1827, I was requested to visit the daughter of a farmer, in some branches of whose family insanity existed. The patient was a little girl only *seven* years old. She was reputed by her parents to be a quick, lively child, of ready apprehension, mild disposition, affectionately fond of the members of her family, and capable of quite as much application to her school duties as children usually are. She had been sent home from school in consequence of a great change which had taken place in her conduct. She had become rude, abrupt, vulgar, and perfectly unmanageable; neglecting her school duties, running about the fields and garden, and making use of the most abusive language when chidden for her misdemeanours. I found her in this state, with the addition of having become extremely passionate, in consequence of corrections to which she had been subjected, and to escape which she was prone to invent falsehoods. She was also changed in her appetite,

preferring raw vegetables to her ordinary food; and she would sleep on the cold and wet ground, rather than in her ordinary bed. Her parents had no control over her; indeed, she appeared to despise them, in proportion as they kindly remonstrated with her. She was cruel to her younger sisters, taking every opportunity to pinch or otherwise hurt them, when she thought she could escape observation. She would not apply herself to anything, but yet had a perfect knowledge of persons and things, and a complete recollection of all that had occurred, and of all that she had learned previously to her illness. Her general health was much disordered; her little eyes glistened most brilliantly; the pupil was contracted, though expanding widely if she was suddenly excited; the conjunctiva was reddened; her head was hot, the surface of the body about the natural standard; the extremities were of a lower temperature, and the pulse of the hand had the peculiar feel of the nervous temperament like that of a grown person; her person had a disagreeable odour; the bowels were much disordered, from the various strange things she had eaten. Dr. B. saw her in conjunction with me; and we endeavoured to improve her general health,

hoping, that by so doing, we might remove some exciting cause of her disturbed feelings. We were disappointed. As she grew worse, and her parents sometimes humouring her, sometimes harshly correcting her, were likely by mismanagement, to render her still more disordered, I took her into my own house, and placed her under the care of my wife. At this time she had taken to eat her own fæces, and to drink her urine, and she would swear like a fishwoman, and destroy everything within her reach; yet she was fully conscious of everything that she did, and generally appeared to know well that she had done wrong. Having committed some mischief, or destroyed something which was fragile, she would often run to my wife and exclaim,—"Well, Mrs. H., I have done it. I know you will not be angry; but I can't help it. I felt I must break it, and I could not let it alone until I had." Among her pleasures, was that of dirtying herself as frequently as she had clean clothes; indeed, she would rarely pass her excrements into the proper place, but reserved them for the carpet of the sitting room—or for her own clean clothes. When she had accomplished this end, she would jump about and exult; but the little

creature would often induce my wife to smile at her, when, with an expression of countenance which was always intelligent, made up of apparently feigned regret, and with a subdued smile, she would say,—"Well, Mrs. H., 'tis too bad of me; 'tis really very foolish, and I will try to be better; but you must forgive me because I am mad." At other times, she was so far conscious of her situation as to cry bitterly, and express her fears that she should become like her aunt, who was a maniac. In addition to all these indications, she lied, stole everything which she thought would be cared for, and either hid or destroyed it; and swore in language, which it is difficult to imagine that such a child could ever have heard.

I could never detect in her mind any fixed ideas, either of fear or belief, which influenced her conduct. She acted from the impulse of her feelings, and these were unnatural and perverted by disease.

She recovered in about two months.

Case 3.—The following case has some interesting points, and I therefore transcribe it. A gentleman of good connexions, of good education, and of mental capabilities far above the general average, was brought up under the

most advantageous circumstances that wealth can command, to the surgical branch of our profession. He was fond of literary pursuits, and had rendered himself an ornamental member of society by a careful and critical course of general reading. In his disposition he was mild, kind-hearted, obliging and generous; and his attachments and affections were strong and ardent. Educated as a gentleman, he possessed what is essential to the character—the highest moral and religious principles, without enthusiasm or fanaticism, and the strictest regard for that correct conduct which is due to those of his own rank in society. An unfortunate excess, to which he was seduced when his studies in London were completed, laid the foundation for a total subversion of his character. He became irregular in his habits, negligent of his person, careless of the society he fell into, addicted to drinking, suspicious of his friends, wantonly extravagant, perverse in disposition, irritable and overbearing. Indulging himself in idleness for several years, and in dissipation when he had the means, he reduced himself to the condition in which he became known to me. My first acquaintance with him was under the effect of a long de-

bauch, and the history of that will contain the recent history of the man. Being still fond of reading, he prosecutes his studies quietly, but ardently, for some weeks together, towards the end of which time indications of excitement show themselves. He becomes more inclined to talk, and less disposed to read. In his conversation he assumes a loud and dictatorial tone, is impatient of interruption, intolerant of contradiction, and bears with ill grace the modest expression of an opinion different from his own. He becomes abrupt in his manners, speaks coarsely of mankind generally, and ill of all his friends and relations. Of those most nearly connected with him, he speaks disrespectfully, and holds them up to ridicule upon all occasions, introducing their names when totally uncalled for, merely to gratify this perverted feeling. A greater degree of impatience is sometimes felt, with some bodily sensation which leads him to the use of ardent spirits for its relief or removal. Excepting at such times, this gentleman's habits are most abstemious: he never drinks anything stronger than beer, and frequently tastes water only for weeks together. When, however, this thirst for ardent spirits comes on, a fondness for low society accompanies it. On

these occasions he repairs to a pot-house, takes his mixture amidst the lowest of mankind, and treats all the bricklayers and hod-carriers who will drink with him; tells them tales, and recites to them for days and nights together, if they will listen to him, and ceases only when the reluctant integrity of mine host will draw no more for him; or which is more commonly the case when his cash is exhausted, and his credit of no avail. During these lamentable debauches, he seldom gets drunk, although drinking and smoking incessantly: he falls into a state of abstraction for a time, and dozes and sleeps until the uneasy sensations within his stomach rouse him, and impel him to call for more drink. His condition when no more drink is allowed him, is distressing: he intreats and orders, implores and commands, grows violently enraged, experiences an hysterical or epileptic convulsion, sinks into a chair or on the ground, and falls into a sound sleep. This continues from twenty to thirty hours, when he awakes to the horrors of his situation, and to the mortification arising from his folly. No longer is to be found the high tone, the overbearing demeanour, or the authoritative language: he is the humblest of the meek, and

continues depressed for several weeks. Then he enjoys a period of tranquillity, to be succeeded by the overbearing conduct before mentioned, and to be finished, within the period of three months, by another visit to the society of tinkers and labourers. In this state of depression I first saw him, free from every kind of delusion, and regarding the world as having no spot within it which was not too good for so mean a being as himself. He was desirous of redeeming his past follies by a life of usefulness and activity; and was regardless of the kind of occupation to which he might be subject, provided he was only made useful and industrious. To sweep the shop, and open the shutters of a huckster or tallow chandler, would have been regarded by him as a valuable appointment, by way of beginning. When, however, employment of the simplest kind was proposed to him, he found himself wanting in resolution to engage in it. He could busy himself about nothing, he would change from one trifling engagement to another, but would not steadily employ himself. In about three weeks the depression had left him, and he was enabled, for some time, to enjoy the rational amusement of read-

ing, in which he greatly delighted, particularly works of history, and philosophy, memoirs, &c. For about six weeks he spent his time usefully and rationally in this occupation, when he began to think himself entitled to his liberty: he requested permission to take some exercise, which was permitted him without superintendence; he grew louder and higher in his tone of conversation; began to hold himself above his fellow patients, and ceased not to quarrel and disagree with them; his manners, formerly agreeable, were now much changed, but not so far as to allow us to remark such alteration to him, without encountering the chance of failing to produce conviction. At the expiration of three months from the time when I received him, he was discharged, having no disordered ideas, and having conducted himself like a sane man. In five days I was requested to take charge of him again, and I found him in a village pothouse, in the midst of company, low and disgusting; without money, almost without clothes, which he had sold to purchase liquor to share with his contemptible companions. I removed him to confinement, in which three other months were spent, much as those already described, and within ten days from

his second release, he repeated the same indiscretions, and was replaced in an asylum."

It would be very easy to fill columns with cases of moral insanity, nearly as well characterised as the foregoing, but no object would be obtained by it. Very many of these instances resemble each other in all important particulars. The following brief statements may be considered as generalisations from a great number of examples.

Many cases are characterised almost solely by great exaltation of animal spirits.

Such persons are, sometimes, only more cheerful, lively, active, and restless, than their own natural character or disposition. They are fond of society, talkative, full of schemes and projects, never contented to be alone, or in their own domestic circle; form new attachments, and break them continually, and at the same time have little real affection, especially towards their own relatives. They are thoughtless and extravagant, sometimes generous to excess; would ruin themselves by making presents, or by mere squandering of money. Some make great purchases of ornaments and trinkets. I have known a lady who annoyed her family by continually expending great sums in this way; the same individual

would talk to strangers, of her high birth and quality, and before she had been five minutes in the society of persons, whom she had never before seen, would abuse all her relatives and friends, and talk in a loud and boisterous way, upon all her family affairs and her own feelings. Some make great purchases in the way of their business. A farmer, whose case I have elsewhere related,* who, as well as his brother, has been several times confined, has been observed, on various occasions, to become restless, and irritable,—quarrelsome, and given to drinking. At these times, he would resort to all the fairs in his neighbourhood, make great bargains, as he thought, of droves of cattle, carriages, and goods of all descriptions, of which he had no use, or even opportunity of disposing. At these times all his actions were eccentric. His wife and family found, by experience, that the only thing to be done under these circumstances, was to put him into confinement; and, after a few weeks passed under seclusion and control, he has always returned to his natural and ordinary state.

In many cases a state of excitement, such as I have described, seems to become the per-

* Treatise on Insanity.

manent condition, in after life, of persons who have been once attacked by mania, or raving madness. I have known a gentleman under great perplexity on account of the altered disposition and character of his wife, who had suffered from a maniacal attack, and was so well and rational in conversation, as to be no fit subject for confinement, but so thoughtless and extravagant, and unreserved in her manners and conduct, that her return to society filled him with apprehensions of disgrace and vexation.

In some instances, such periods of excitement alternate, as I have said, with periods of gloom and sorrowful depression. This is the habitual history of many persons through life. In other cases the excitement only returns after long intervals.

There are many men who, in this state, disgrace themselves by frequent intoxication; they resort to taverns, day after day, and cannot be kept from getting boisterous and inebriated by strong liquors. These make them still more violent and irascible, and they go on increasing their disorder, till it ends in a fit of raving madness, for which confinement in a mad-house affords only a temporary cure.

A still more unfortunate change than what I have described has befallen many persons, as a sequel of disease affecting the brain, and several instances of this kind have come within my own sphere of observation and inquiry. Persons who had reached a considerable age with unimpeached reputation, and were esteemed highly by all their friends and neighbours, as men of probity and high respectability, have displayed a total subversion of character; they have become loose in their morals, depraved, reckless, and devoid of all moral principle. An elderly gentleman, whose history was lately described to me by a near relative, had an attack of paralysis which affected his intellects; this he survived, his intellectual faculties were restored, but his character appeared afterwards to have become thoroughly altered; he was absurd and capricious in the highest degree, and in order to carry into effect the schemes which he laid down for himself, he declined no means however nefarious, would break through the most solemn engagements, and tell the most palpable lies, making at the same time high professions of devotion, and strict attention to religious duties. A gentleman, who had been for many years a

magistrate, and was highly respected in his neighbourhood, became at a later period in his life, an altered man, and addicted himself to all sorts of evil practices. The change in his character was a matter of common notoriety and common wonder. He continued, during the remainder of his life, or at least to a late period of it, to be considered a worthless, depraved person, lost to all sense of shame and propriety. Some traits of eccentricity were observed in his conduct, but these never gave rise to the notion that he was insane, till after his death, when so many singular particulars were discovered, that the suspicion of mental derangement gained ground among his acquaintance. One of his oddities was a propensity to purchase dogs. He sent orders for buying many at great prices, when he saw them advertised. He never made any use of them and never saw them, but paid annually considerable sums for their board or keep in different parts of England.

It may be worth while to remark, in connexion with this subject, though it is not easy to apply the observation to any practical advantage, that many of those instances, to which the whole character of an individual through

life has been noted for recklessness and abandoned depravity, are perhaps in reality cases of moral madness. In a large and well-regulated family, all the other members have been ever of quiet and sober habits, of excellent disposition, and regular and industrious; one boy met with a severe accident, which injured his head. As he grew up, his mother observed him to have a different character from all her other children, and she always attributed this to the accident which had befallen him; when adult, he became unmanageable, dissipated, and wild—a perfect prodigal; he has been sometimes on the verge of madness, but never has been treated as insane. He continues to be thoughtless and ungovernable, given to all kinds of excesses, and has occasioned great distress to his family. Of another family, several members have become afflicted with insanity, and have been confined in lunatic asylums: they resemble each other; and the disease has shown itself when they have attained nearly the same period of life. A younger brother has a different organization of body from the rest, and seems likely to escape. There is in the family only one other instance of immunity from this disease,

and that is one of still greater calamity. One brother has never been, or thought to be, actually insane; but he has been through life a reckless and depraved reprobate, and has occasioned the greatest distress and vexation to his friends. In one instance of this kind, it would be rash to conclude that the facts here brought together have any connexion, except an accidental one; but when several such examples occur, we cannot avoid suspecting, that the depravation of character depends upon some morbid predisposition; and it seems not improbable, that many persons, wrong-headed and perverse through life, and singularly capricious and depraved, would afford in reality, if the matter could be ascertained, examples of moral insanity, native or congenital. Many of the most singular characters in history, noted for capricious and erratic behaviour, and furnishing to their habits and course of action a sort of exception to the general laws of human conduct, are probably susceptible of this explanation. Such instance occur in the singular Christina of Sweden, in the Russian Emperor Paul, and in Frederick the Second of Prussia.

I have alluded to this last form of moral

insanity, merely for the purpose of giving my readers as complete an idea as I can convey, of the nature of the disease, and, scarcely, in the most distant expectation of any practical result.

SECTION VI.

OF THE CONSEQUENCES WHICH RESULT FROM ADMITTING THE EXISTENCE OF MORAL INSANITY AS A FORM OF MENTAL UNSOUNDNESS. — OF ECCENTRICITY; OF THE QUESTION WHICH JURIES HAVE TO DETERMINE IN THESE CASES.

I have related the previous cases with the hope of convincing my readers that there really exists such a disorder as that which I have termed Moral Insanity, meaning, by that expression a morbid state of the mind, which consists merely in moral perversion, without any illusion, or the belief of any unreal and imaginary fact. As this disorder, in some instances at least, requires that the person affected should be confined or separated from society, and seems to involve nearly the same consequences with respect to his civil rights and personal responsibility, as the more tan-

gible and strongly marked forms of insanity, which are accompanied by manifest lesion of intellect or understanding, the admission of such a state as really existing, is very important in a legal point of view; it brings with it many inconvenient results, since it takes away the opportunity of resorting to the most decisive, and the more easily discoverable criterion of the existence of madness; I mean the presence of hallucination or illusion: and it seems in some cases to confound insanity with eccentricity, or natural singularity of character. Notwithstanding these objections, if the matter of fact is as I have described it to be, it is to no purpose to shut our eyes against the evidence on which it rests, or to omit all notice of it in the legal provisions adopted for the care of the insane. That eccentricity is in fact nearly allied to insanity, it would be easy to shew. I shall not go so far as to refer all instances of extreme oddity or singularity of character to madness, but I will venture to say that very many instances of this kind really constitute examples of that disease. The following considerations will render this conclusion probable.—1. It is well-known that persons who have been decidedly insane,

or have laboured under one of the usually recognised kinds of madness, often remain eccentric during life after their reputed recovery. 2. Others are observed to have been eccentric for an indefinite period beforehand, and their eccentricity is a state precursory to declared insanity. 3. Monomaniacs, who are reputed to be insane, and appear to form erroneous judgements only on particular points, are often eccentric in the whole of their conduct. 4. It may often be observed, that in families, of which many individuals have displayed symptoms of decided insanity, others are only eccentric, and have been reputed as such through life.

If these considerations prove that Eccentricity is often nearly allied to insanity, and constitutes a phasis or modification of that disorder, they all must be allowed to prove another point of some importance; viz., that there are cases bordering on insanity which do not require that the individual should be confined or deprived of the exercise of his civil rights. The question which jurors will have to determine is, not whether the person whose case is under examination is afflicted with insanity according to any abstract definition, or ge-

neral notion, as to the nature of that disease, but whether his mental state is individually such as to render him unfit to be at large, and to be entrusted with the care of himself and his property. It is important to be aware of the fact, that persons may fall into a state that deprives them of this capability, or of the power and inclination to govern their own conduct with propriety and inconsistency with their own habitual principles of action, and that through the effect of disease, without displaying that phenomenon which was heretofore considered as essential to madness, and the sole criterion of its existence; but whether in each particular case, the person afflicted is in such a state as to require legal interference with his personal liberty, and the exercise of civil rights, can only be determined by evidence upon his individual case.

These observations apply with equal force to cases of Monomania, as to those of Moral Insanity. A man who, like Count Swedenborg, labours under a harmless hallucination, or fancies that he converses with angels, and meets Moses in Cheapside, ought not to be confined in a lunatic asylum. But it will gene-

rally be found on inquiry that persons who have illusions are otherwise incapable of exercising civil rights. To this subject, I shall revert.

SECTION VII.

MONOMANIA.

Monomania is the name by which physicians now designate the disorder which English jurists after Lord Hale termed partial insanity. This is, as we have already observed, generally conceived to be a disorder of the mind in which a single false notion is impressed upon the understanding, which is otherwise unclouded, so that the insane person is capable of reasoning correctly on all subjects unconnected with a particular train of thought, and even on topics connected with his illusion, if the erroneous conviction be conceded as truth and matter of fact. This is the form of mental disorder on which Mr. Locke's definition of insanity, and almost all definitions are founded; and such a notice being established it is not to be wondered at, that much discussion should have arisen on the question, whether lunatics

are capable of exercising their personal rights and retain their responsibility in relation to acts with which the particular insane illusion is unconnected. All these doubts have been raised without reason or necessity. They depend upon a very erroneous notion as to the real nature of monomania.

Nothing, indeed, can be more remote from the truth than the opinion that madmen of this description have their whole disorder centered in, and restricted, to one delusive idea. The false impression which occasions the disorder to be termed monomania is generally a particular symptom which supervenes on a previously existing affection of that kind, which I have already described as constituting in itself a particular form of insanity, and consisting in a total perversion of the moral character, feelings, affections and habits of the individual who is the subject of it. One illusive notion or set of notions is to be traced in his mind, which for the most part occupies his attention to the exclusion of almost all other subjects, and is ever uppermost in his thoughts; but a careful inquiry will generally shew that his whole mind is diseased. There are, indeed, cases on record, which answer to

the psychological definition of monomania. It is said, that persons have continued to exercise their profession and to conduct themselves with propriety to the relations of life who have yet been known to labour under one illusion. But if these examples are faithfully recorded, they must be regarded as extremely rare phenomena. The real history of monomania is very different. It is well known to those who are conversant with the insane, that in persons who are considered as labouring under monomania, the mind is otherwise disordered and weakened, though the characteristic illusion is the most striking phenomenon. The social affections are either obliterated or perverted; some ruling passion seems to have entire possession of the mind, and the hallucination is in harmony with it, and seems to have had its origin in the intense excitement of the predominant feeling; this is always a selfish desire or apprehension, and the illusory ideas relate to the personal state, and circumstances of the individual. A late French writer, M. Leuret, terms monomania, "le délire des passions;" he has given the details of several cases, which strongly exemplify the preceding remark, and which should be read

by those who are desirous of studying the nature of monomania.

The illusions or false impressions of the monomaniac have always, as I have said, reference to himself. They relate, sometimes, to his fortune, rank, personal identity; at others to his health of body and his sensations. In the former class of cases, the patient feeling himself unhappy, fancies himself in debt, ruined, betrayed; or, being disposed to an opposite state of feelings, possessed of great wealth and affluence, and superior to all mankind: the difference of these impressions seems to depend upon the different state of spirits; the persons affected by the former kind of impressions are those whose minds are predisposed to gloom and forebodings of ill; the latter kind affect the sanguine and excitable. Many fancy themselves kings or emperors, prophets or the pope. I have seen a French lunatic, who exclaimed with great appearance of dignity, "Je suis le Pape, le saint-père de l'Eglise."

Illusions and hallucinations of the senses, are among the most remarkable of the traits of monomania. In these cases, the person affected fancies that he sees, hears or feels, and that he has actual sensation, and perception

of something not really existing. This class of disorders have been carefully described by M. Esquirol, who made the phenomena connected with them, the subject of a particular treatise. It has been clearly proved, by this writer, that such erroneous impressions generally take their rise in morbid bodily sensations. Thus in a woman who had, during her life, declared that she was pregnant by the devil, the womb was found after death to be full of hydatis. Another in the Salpétrière imagined that a regiment of soldiers where fighting in her belly; a third that the apostles and evangelists had taken up their abode in her body. In both these cases, the intestines were found agglutinated together in consequence of chronic inflammation. Many, who have a dislike to take food, and those who labour under chronic pains in the stomach, fancy that they are poisoned. The most frequent morbid sensation, is an illusion referring to the sense of hearing. The patient perseveringly declares, that he hears and sees something which it is impossible to hear, such as distant voices as of persons speaking at a distance. An insane clergyman, whom I have lately seen, told me that he distinctly

heard the voice of the Bishop of Calcutta, and refused to eat, unless the bishop told him to take food.

Hallucinations are distinguished from illusions. M. Leuret terms hallucination a mental phenomenon is intermediate between sensation and conception. It corresponds with sensation in the circumstance, that it occasions, like sensation, the belief of the existence of an external operation on the organs of sense and of an external body which acts upon them. In reality hallucination may be supposed, with probability, to depend upon a morbid state of those operations of the brain which in a healthy condition are connected with simple conception and reverie. These operations, which are momentary changes in the condition of the brain, in the usual and healthy state of the system, take place without giving rise to belief in the existence of any past or present cause or external agent. In consequence of the morbid change such actions of the brain are converted into those which produce real perception and actual memory or recollection, so that the person affected is impressed with the belief that he really sees and feels, or remembers as objects of former sen-

sation, what he only conceives or momentarily fancies. But this phenomenon alone would not constitute in man a lunatic. In general the understanding corrects erroneous perceptions, and if the organs of sense are in such a state as to present unreal objects to the mind, reason convinces the individual of the actual condition under which he labours. Ocular spectra and morbid dreams are thus perceived to be what they really are. Cases are on record which answer to this account, as that of Nicolaï, who for some days previously to his death saw phantoms which he recognised as existing only in his own perceptions. But if a person believes in the reality or more properly in the externality of a phantom or a ghost-scene, it could not constitute him a madman; and this consideration might have been sufficient to convince our predecessors, that their definition of insanity was founded on mistake.

The following description of monomania is taken from the work of M. Esquirol, a man celebrated for the accuracy of his observations, who was for very many years physician to some of the largest lunatic hospitals in Eu-

rope, and who devoted his whole time and study during a tolerably long life to the elucidation of the history of madness.

"In cases of monomania*, the passions are exalted and expansive: having a feeling of health, perfect and inalterable, of increased muscular strength and general well-being, these persons seize the favorable side of all things; satisfied with themselves, they are good-natured to others; they are happy, joyous, communicative; they sing, laugh, dance; many of them are full of pride, vanity and self-love, and indulge complacently their vain imaginations; they dream of greatness, power and opulence; they are active, petulant, of inexhaustible loquacity, unceasingly talking of their own happiness; they are susceptible of offence, and irritable; their impressions are lively, their momentary feelings warm, their determinations violent. Impatient of constraint and contradiction, they are easily excited to anger and even to rage. Among monomaniacs

* It must be observed that M. Esquirol has confined monomania to the cheerful form of illusive madness; he describes the sorrowful form under the name of melancholia. *See the following section of this work.*

some believe themselves to be divine beings, and pretend to hold communication with heaven, declare that they have a commission from above, and set up for prophets or for divines; they fancy themselves supernaturally enlightened, and possessed of supernatural power. Paracelsus was an instance of this sort of monomaniacs: he fancied that a supernatural being resided in the hilt of his sword. The enthusiasts of the Cevennes gave credit to the declamations of persons who fancied themselves thus inspired, and who pretended to know the future and all mysterious things; these persons were very subject to convulsions. Similar examples are of frequent occurrence in history. "We have at the Salpétrière," continues the same writer, "a young woman who had received some instruction in science, and who fancied that she directs the sun, the moon and clouds; when she is impatient of her abode in the hospital, she sometimes threatens us with rain, sometimes with drought. I have seen in the same hospital many females who fancied themselves empresses. Many think themselves kings and potentates and issue commands to their subjects; some believe themselves to be men of

fame and distinguished philosophers; others are celebrated poets or orators; and it is necessary to listen to their compositions in order to avoid giving them severe offence: others loaded with riches distribute their benefits* and disperse their fortune on all who come to them in want. Some under a sort of amorous passion are engrossed unceasingly in reveries connected with their dominant propensity and fancy themselves in a paradise of houris."

The following case, detailed by the same writer, affords a good specimen of the progressive advance, with which this disease often sets in.

M—, aged 36 years, tall, of black hair and eyes, had one maternal cousin affected by insanity, was of delicate health when young, but grew stronger after he had attained the age of puberty. He travelled much in his youth, and was of dissipated habits; at the age of 27 he married an amiable lady of good fortune and gave himself up with ardour to speculations in business, and attempted to increase his

* A monomaniac who fancied himself possessed of great riches, once asked me if he should give me a sum of money. He sat down and wrote a checque, pay Dr. Prichard £1000 and charge on God's bankers.

wealth by jobbing in the stocks. In the third year of his marriage he became subject to boils over his body, which gradually increased. He sought remedies every where, and being anxious about the cure of his health became hypochondriacal.

The property of M—, though with vicissitudes increased till 1815, when he became ruined by an unfortunate speculation. From that time a change was remarked in his character; he was now quarrelsome, exigeant, despotic, restless, discontented, unjust towards his relations, whom he accused of having refused him assistance, when in want of it, and against whom he uttered continual complaints, in spite of the tokens of sympathy which they continually displayed.

Two years after the date of these misfortunes, M— became gloomy and abstracted; complained of disorders affecting the nerves of his stomach; soon afterwards he began to suspect he had eaten poisoned food, when he dined at the house of a restaurateur. He became transported with rage against his father-in-law, who treated him with the greatest kindness, but refused to entrust him with large sums of money as he formerly had done. He quarrelled

with his wife, who was most affectionate to him. He went to his friends and acquaintances and complained that he had been poisoned at the house of his father-in-law; soon afterwards he uttered similar complaints when he dined at his own house, and often after his meals went out to drink; sometimes he would even go himself to the well for water, that he might escape the danger of drinking it poisoned.

After a month thus passed in inquietude and agitation, and domestic quarrels occasioned by his groundless reproaches, M— demanded a passport with the intention of quitting France; a few days afterwards he went to the police to accuse his father-in-law and his wife as accomplices. In this state of things he was confided to the care of M. Esquirol, who soon acquired his confidence, and in a few days succeeded in pacifying him; and after repeated promises of tranquil behaviour, and the delay of a week or two, he was allowed to return home. The sight of his wife and children, and his home seemed to put an end to his alarm; but in the same day he became again restless. Three days before he quitted M. Esquirol's house, he had conceived a new alarm, but concealed his morbid impression till after his

return. On the following day he became hurried and disturbed: wanted to resume his business. About a month afterwards his agitation increased. At length, in coming out of a café where he had read a paragraph in a paper relating to the pretended dauphin, M— suddenly imagined himself to be the son of Louis XVI, hastened to the Tuileries, made his way into the King's apartments and claimed his rights. He was arrested, replied quietly to the officer who seized him, and his state being apparent, suffered himself to be led home. He was then confined under the care of M. Esquirol, who describes his symptoms as follows:

"His countenance changes its expression, his eyes are red, his looks quick, his gait haughty; he is polite, but familiar with nobody. He protests that he is not insane, that he is the dauphin, that his arrest is unjust, and that he will one day revenge himself. These assertions he repeats frequently and with haughtiness. His belief has been sometimes shaken, but a moment afterwards his conviction becomes restored, and he gives himself up to all the consequences which result from his illusion, makes proclamations to the people of France, is in perpetual restlessness and at-

tempts to escape. Nevertheless he sometimes amuses himself with painting and writing poetry, his compositions display no want of taste and ability. If joked on the subject of his hallucination, he becomes enraged.

In this case the disorder began in hypochondriasis; it afterwards assumed the form of dejection with fear of poison, and ended in monomania. A perverted or disordered state of the feelings was the persisting as it was in the original disease; as it is in almost every instance of monomania.

SECTION VIII.

MELANCHOLIA OR MELANCHOLY MADNESS.

Melancholy madness is a disorder so strongly marked, that it must have a separate consideration, though the cases of melancholy fall under the definition of the two forms of insanity above described. The disease sometimes only affects the feelings of the individual: he is dejected and sorrowful without any reason, real or imaginary, having no particular illusion or false notion; in other instances there is a

false notion impressed upon the belief: the melancholic fancies himself sometimes ruined in his estate, involved in debt, ruined in his reputation for some imputed crime, which he has or has not, according to his belief, committed, sometimes ruined as to his eternal state, by an irrevocable doom which consigns him to misery hereafter. These last examples come under the definition of monomania; the former under that of moral insanity, or disease of mind, merely perverting the feelings and affections. They are similar in their general manifestations, and produce nearly the same effect on the character, and conduct, and aspect of the person affected.

The external appearance of the melancholic is often striking and characteristic of his mental state. It has been described by M. Esquirol: such persons are generally thin and emaciated, with a pale yellow complexion, sometimes with a red patch on the cheek or the top of the nose; the hair is straight and black, the skin cold and clammy, the look fixed and motionless, turned towards the ground or gazing as if into distant space, expressing absence of thought or sometimes by furtive glances indicating that suspicion or fear predominates in

the mind. Melancholics seldom sleep; restlessness, fear, terror, jealousy and hallucinations, keep them awake. If they become drowsy, as soon as their eyes are shut, they see a thousand phantoms, which terrify them; if they sleep, their rest is interrupted and agitated by dreams. Sometimes they awake starting up with the nightmare, or from dreams, which have brought before them the objects that caused or kept up their delirium. Many after a good night are more restless and uneasy; some believe that they shall never get to the end of the day, and are better as night approaches; while others feel their restlessness increasing towards night; they dread darkness and solitude, fear lying awake or the terrors accompanying sleep.

The secretions present remarkable disorders in melancholic cases; the urine is abundant, clear, and limpid; sometimes it is scanty and turbid. Some melancholics, from various motives, retain their urine for several days. The case is related of a patient who would not pass his water, fearing to deluge the world, and who was at length only prevailed upon to do it in order to extinguish a fire that was kindled on purpose.

M. Esquirol has observed that melancholia presents two remarkable distinctions in the assemblage of symptoms. Some are very irritable and extremely excitable; every thing produces a most lively impression upon them; the slightest causes produce the most painful effects; the most ordinary and simple events, appear to them, new and singular phenomena, ordained expressly to torment and injure them; cold, heat, rain, wind, affect them with horror and grief: noises distress and make them tremble; if any thing displeases them, they repulse it with rudeness and obstinacy; if their food is not what they relish, their repugnance often causes nausea and vomitings. All their feelings, thoughts and actions are forced and exaggerated. Their extreme susceptibility, causes them to be continually meeting with fresh objects and occasions of distress; thus both day and night, they are constantly on the watch; they are always in motion, in search of their enemies and the causes of their sufferings, and they relate to every one who comes in their way, their misfortunes, fears and despair. Sometimes the mind is so absorbed in one single idea, that sensation seems to have abandoned the bodily organs. The body is insus-

ceptible of impressions and this one subject absorbs the attention, and suspends the exercise of all the intellectual functions.

The motionless state of the body, the rigidity of the features, and the obstinate silence betray the deplorable state of the intellect and the affections.

In this state of distressing excitement of feelings, melancholics are not only inaccessible to every impression foreign to the object of their delusion, but they are also quite unreasonable, because they admit false impressions. An abyss separates them, they say, from the exterior world. Melancholics have said "I hear, I feel, I see: but I am not as I formerly was: objects do not come to me—they do not identify themselves with my being—a thin cloud, a veil changes the colour and the aspect of bodies; the most polished surfaces appear to be rough with bristles." External objects not having their natural relation, distress, disturb and alarm them. They have illusions of the senses, and hallucinations; they associate together ideas the most dissimilar and absurd; and hence spring convictions, more or less contrary to common sense, unjust prejudices, fear, horror or grief.

The feelings modify the ideas, the hopes, the determinations of the most sensible men. Melancholy feelings, thus affect a partial lesion of the understanding. The whole intellectual life of a person suffering under melancholy delirium, is impressed with the character of his feelings. The mountaineer cannot bear to be absent from the place which gave him birth :—he pines away and dies unless he is restored to his paternal soil. A person who fears the pursuits of justice, alarmed and terrified, dreading to be arrested every instant, fancies he is surrounded by agents of police, and even sees them among his friends and relatives.

Persons labouring under this disorder often refuse food. They are disinclined to eat from their bodily state and owing to hallucinations which harmonise with their feelings. Many dread poison and suspect their friends of a desire to destroy them by such means. Some fancy that their food, whatever it may be, disagrees with them and increases some real or imaginary pain in the stomach or head. Others are desirous of starving themselves and getting rid of life and its torments by abstaining from all nourishment. Lunatics have been known to

pass a fortnight or twenty days without tasting food.*

The tendency to suicide is not so often a symptom of confirmed and long continued melancholia, as the result of a temporary impulse. The strongly marked and habitual melancholia, such as I have described, seldom terminates in self-destruction, but the possibility of this occurrence and the absence of all power of mind and of moral principle to resist such an impulse, should be borne in mind by those who have the cure of melancholic persons. I have known repeated instances of the calamitous result of neglecting this observation.

SECTION IX.

INSTINCTIVE MADNESS.

The form of mental disease which I have thus denominated, is one the admission of which involves peculiar difficulties, and is in opposition not only to common prejudices, but to all opinions à priori, that any person would be likely to deduce from the philosophy of the

* Esquirol, des Maladies Mentales, 2 vols. 8vo. avec atlas de 27 planches, Paris, 1828.

human mind; it is moreover liable to the objection that it apparently interferes in many instances with the proceedings and ends of justice; it certainly renders these proceedings much more difficult, as it complicates inquiries into matter of fact, with a more obscure question and one on which it is often difficult to obtain adequate evidence, respecting the moral responsibility of agents. The plea founded on it, may be made, as it has been and hereafter will be made a subterfuge for many an atrocious criminal who has no other hope of escaping the well merited award of the law. The admission of the existence of such a state is one, which every one would wish to avoid. But the evidence is irresistible: it is vain to shut our eyes against truth, whatever inconvenient results may follow from admitting it.

In this disorder, the will is occasionally under the influence of an impulse, which suddenly drives the person affected to the perpetration of acts of the most revolting kind, to the commission of which he has no motive. The impulse is accompanied by consciousness; but it is in some instances irresistible; some individuals who have felt the approach of this disorder have been known to take precau-

tions against themselves; they have warned, for example, their neighbours and relatives to escape from within their reach till the paroxysm should have subsided.

There is scarcely an act in the catalogue of human crimes which has not been imitated, if we may so speak, by this disease. Homicides, infanticides, suicides of the most fearful description have been committed under its influence; there is reason to believe that most of those appalling instances in which men are reported to have murdered their wives and children, and sometimes to have destroyed themselves at the same time are of this kind: the act of arson, or of setting fire to houses, churches, theatres, is perhaps more frequently the result of instinctive madness than of any other cause; irresistible propensities to lying, cheating, to commit every kind of obscene and immoral act that depraved human nature ever attempted, must be regarded at least in many cases as the manifestations of this mental disease. It will be requisite to produce strong evidence before the assertion will be admitted that such actions depend upon insanity. Such evidence must be not merely general but particular, that is, the proofs

must be furnished in every particular example that is alleged. I shall endeavour to prepare the reader for admitting the evidence that may be brought forward in particular cases by establishing the fact as a general one through unquestionable and decisive proofs.

We owe the recognition of instinctive madness to the celebrated Pinel, a man whose name will always be remembered with gratitude, since he was not only one of the greatest contributors to the advancement of knowledge on the history and nature of insanity, but the first and principal promoter of the more humane system of treatment substituted in later times for the cruel and ill-judged harshness, to which lunatics were formerly subjected. From the time of Mr. Locke, medical writers always treated insanity as a disorder merely of the understanding or of the intellectual faculties; they paid very little attention to the manifestations of disorder in the state of the active powers of the mind, the feelings, affections, the disposition or propensities, and the conduct of the lunatic as thence resulting. Whatever irregularities were observed in all these, were supposed to be the natural results of some erroneous belief im-

pressed upon the judgment. Pinel was a man of more than ordinary power of observation, and lived at a time when a strong disposition prevailed to discard old fashioned opinions; he had a very wide field of experience, being physician to one of the largest lunatic asylums in the world, during a period when the agitation of mind produced in France by the great revolution (when in fact the whole French nation seemed to be mad), filled the hospitals of that country with inmates scarcely more insane than those who remained at large. Pinel became convinced by the facts which he witnessed at the Bicêtre, that the doctrine laid down by nearly all his predecessors was erroneous. He says, "With reference to the opinion of Mr. Locke, we may justly admire the writings of this philosopher, without admitting his authority on subjects not necessarily connected with his inquiries. On resuming at Bicêtre my researches into this disorder, I thought with that author, that insanity was inseparable from delirium or delusion, and I was not a little surprised to find *many madmen* who at no period gave evidence of any lesion of the understanding, but who were under the dominion of instinctive and abstract *Rage*,

as if the active faculties had alone sustained injury."

Pinel related the following case as an exemplification of these remarks:

"A man who had previously followed a mechanical occupation, but was afterwards confined at Bicêtre, experienced, *at regular intervals*, fits of rage, ushered in by the following symptoms. At first he experienced a sensation of burning heat in the bowels, with an intense thirst and obstinate constipation; this sense of heat spread by degrees over the breast, neck, and face, with a bright colour; sometimes it became still more intense, and produced violent and frequent pulsations in the arteries of those parts, as if they were going to burst; at last the nervous affection reached the brain, and then the patient was seized with a most irresistible sanguinary propensity; and if he could lay hold of any sharp instrument, he was ready to sacrifice the first person that came in his way. In other respects he enjoyed the free exercise of his reason; even during these fits he replied directly to questions put to him, and showed no kind of incoherence in his ideas, no sign of delirium; he even deeply felt all the horror of his situation, and was often pene-

trated with remorse, as if he was responsible for this mad propensity. Before his confinement at Bicêtre a fit of madness seized him in his own house; he immediately warned his wife of it, to whom he was much attached; and he had only time to cry out to her to run away lest he should put her to a violent death. At Bicêtre there appeared the same fits of periodical fury, the same mechanical propensity to commit atrocious actions, directed very often against the inspector, whose mildness and compassion he was continually praising. This internal combat between a sane reason in opposition to sanguinary cruelty, reduced him to the brink of despair, and he has often endeavoured to terminate by death this insupportable struggle. One day he contrived to get possession of the cutting-knife of the shoemaker of the hospital, and inflicted a severe wound upon himself in the right side of his chest and arm, which was followed by a violent hemorrhage. Strict seclusion and a strait-waistcoat prevented the completion of suicide."

This case and some others recorded by Pinel were instances of an instinctive propensity to rage and violence. He designates the

affection "Emportement maniaque sans délire," or "Outbreak of furious madness without delusion." This, as M. Esquirol observes, is very distinct from that form of mental derangement which I have described under the term "Moral Insanity."* It is best denoted by the expression instinctive madness or insane impulse. It appears to be rather an affection of the will or voluntary powers than of the affections, if this distinction may be allowed, and it does not necessarily imply any permanent change of temper or habits in the individual who is the subject of it.

Instinctive madness properly so termed, is not restricted to the single impulse to injure or destroy life, or to the manifestation of phenomena analogous to those of vehemently excited anger. It is displayed, as I have observed, in morbid perversion of almost every

* See M. Esquirol's last work. "Des maladies mentales," tom. 2, p. 63, Paris, 1838. M. Esquirol says: "Le docteur Prichard n'a peut-être pas suffisamment distingué la folie morale d'une autre variété de folie exempte du désordre de l'*intelligence et des affections*, que Pinel a nommée *manie sans délire*." I had not in reality fully noticed the distinction here pointed out till I read M. Esquirol's observations. Instinctive madness is the disease described by Pinel.

other natural propensity or active principle of the human mind. A variety of examples may be added of every description to prove this assertion. I shall proceed in succession to produce a few of the most decisive instances of each kind.

SECTION X.

OF HOMICIDAL MADNESS OR PHONOMANIA.

The instances of homicidal impulse on record are so numerous that the only difficulty is to select from the aggregate, some that may be most to the purpose. I shall give a brief statement of a few only, and I shall endeavour to select such as may serve to illustrate, in the first place, the psychological character of the disordered emotion itself, and secondly its connection with disease, whether of body or mind, of a more decided or at least of a less controverted kind.

Much discussion has taken place in France in consequence of some striking and appalling cases of homicide, which were considered by many lawyers as punishable offences,

while by physicians it was eagerly contended that they were instances of insanity. Some of the accused persons were executed, others confined under the suspicion that they were lunatics. The cases of Léger, Feldtmann, Lécouffe, Jean-Pierre and Papavoine, and that of Henriette Cornier have excited the strongest sensation and have given rise to the publication of several controversial works in which the real existence of homicidal madness has been discussed. The following are the particulars of Henriette Cornier's case, as given by M. Georget a French physician of great celebrity, who took a prominent part in this dispute; they were taken by him from public documents.

"Henriette Cornier, femme Berton, aged 27 years, domestic servant, was of mild and lively disposition, always full of gaiety and vivacity, and remarkably fond of children. In the month of June, 1825, a singular change was observed in her character: she became silent, melancholy, absorbed in reverie, and was soon dismissed from her service. She fell gradually into a permanent stupor. Her friends were alarmed, suspected that she was pregnant, but were mistaken: they could never obtain from her any account of the cause of

her dejection, though she was frequently interrogated. In the month of September she made an attempt to drown herself in the Seine, but was prevented.

In the following October the relatives of H. Cornier procured her another employment at the house of Dame Fournier. The change of condition made no abatement in her dejection and profound melancholy.

On the 4th of November, the conduct of Henriette Cornier not having been previously in any way different from her usual behaviour, she suddenly conceived and immediately executed the act for which she was committed.

About noon, Dame Fournier went from home, and told H. Cornier to prepare dinner, and to go to a neighbouring shop, kept by Dame Belon, to buy some cheese. Henriette had frequently gone to this shop, and had always caressed a beautiful little girl, nineteen months old, the child of Belon. On this day she went to the shop and displayed the greatest fondness for the little girl, and persuaded Dame Beon, who was at first rather unwilling, to let her take it out for a walk. H. Cornier immediately took the child with her to the house of Dame Fournier, then empty, mounted

the common staircase with a large knife which she took from the kitchen, and stretching the child across her own bed, with one stroke cut off its head. The head, which she held in her hand, she placed by the casement, and then put the body on the floor near to it. All these proceedings occupied about a quarter of an hour; during this time Henriette Cornier remained perfectly calm: she experienced no emotion of any kind. Dame Belon presently came to seek for her child, and called Henriette, from the bottom of the stairs. 'What do you want?' said the latter, advancing on the corridor. 'I come to seek my child,' said Belon, ascending the stairs. 'Your child is dead!' replied Henriette, with perfect coolness. Belon, alarmed, became more earnest; and Henriette again pronounced the words, 'Il est mort votre enfant!' As Belon forced her way into the room, Henriette took the child's head from the casement, and threw it by the open window into the street. The mother rushed out of the house, struck with horror. An alarm was raised; the father of the child and officers of justice with a crowd of persons entered. Henriette was found sitting on a chair near the body of the child, gazing at it,

with the bloody knife by her, her hands and clothes covered with blood. She made no attempt for a moment to deny the crime; confessed all the circumstances, even her premeditated design and the perfidy of her caresses, which had persuaded the unhappy mother to entrust to her the child. It was found impossible to excite in her the slightest emotion of remorse or grief; to all that was said she replied, with indifference, 'J'ai voulu le tuer!' I intended to kill the child!'

When Henriette Cornier was brought to trial, a plea of insanity was set up. MM. Adelon, Esquirol, and Léveillé were appointed to visit her and report on the 'actual moral state of the accused.' After several visits these distinguished physicians declared that they could discover no proof of insanity, yet they were not decided as to the non-existence of such disease. The affair was put off; Henriette Cornier was taken to the Salpétrière. There she was inspected repeatedly by the physicians, whose last report concludes that 'from Feb. 25 to June 3, they had observed in Henriette Cornier merely a dejection of mind, slowness in the manifestation of thought, and profound grief; 2ndly, that these phenomena

are explained by circumstances, and therefore no proofs of derangement; 3rdly, that the opinion as to the question of her sanity is materially affected by facts relating to her previous history. If the allegation is proved that long previously to the committal, her habits, her whole character had become changed; that she had become at a particular period dejected, gloomy, taciturn, restless, prone to reverie, and had occasionally attempted suicide; it would appear that her present state is not the result of existing circumstances, since it had lasted a year before the commission of the act, in which case the opinion as to her sanity would be materially influenced.'

At the renewal of the trial of Henriette, M. Esquirol and several other physicians were examined. The opinions of the physicians leaned generally towards the real existence of derangement. The advocate-general treated the existence of monomania as a mere figment invented by medical persons for the sake of paralysing the hands of justice. In the end, the jury brought in a verdict that Henriette Cornier had committed homicide voluntarily but without premeditation, and she was condemned to perpetual imprisonment with forced

labour, and to be branded with the letters T.P. which sentence she heard without betraying the slightest emotion. It is observed by M. Georget, that the judges on this trial evinced reluctance to suffer a clear investigation by physicians of the actual mental state of the accused, and in other respects exerted an unusual influence towards the condemnation. The public sentiment appears to have been against that of the physicians, and M. Georget was treated with ridicule by the journalists of Paris.

The case of Henriette Cornier excited a great sensation in France; and we are assured by M. Esquirol, that six cases occurred within his own knowledge immediately after it, in which a strange propensity to imitate the act, or a dread of committing it, was provoked by the recital. Several of the persons thus affected were ladies, by whom M. Esquirol was consulted; they were found by him under the greatest alarm. One of them, on the day after hearing the history of H. Cornier's case, fancied that she heard a voice commanding her to kill her eldest boy, exclaiming, "Prends-le, tue-le." From that time, for a month, she was tormented with an incessant desire to strangle the child, which she struggled in vain to dispel,

and which afflicted her to that degree, that she made several attempts to destroy herself. She avowed this propensity to M. Esquirol, who visited and interrogated her, with a view of discovering if any mistaken religious notion had given rise to that impression. This was not the fact.*

It may be remarked, that in the preceding case, and in several others detailed by M. Esquirol, the emotion of desire to commit an atrocious act, was accompanied by a full and clear conception of its enormity, and a proportionate horror at the idea of its perpetration: the desire was resisted and overcome. The following case was of a different kind; yet the individual who felt the emotion was able to give warning to the person, who was the object, to escape:—

M. N., aged twenty-one years, always of sombre and surly disposition, had lost his father at the age of fourteen, and had never exhibited much affection towards his mother. At the age of eighteen, his dejection increased; he shunned society, yet worked industriously

* Note on Monomaniacal Homicide, appended by M. Esquirol to M. Chambeyron's translation of Hoffbauer. Médecine légale relative aux Aliénés et aux Sourds-Muets, 8vo. Paris, 1827.

at a manufactory, displaying neither in words nor actions any sign of insanity, but declared that he felt a strong inclination to commit murder; that there were moments when he felt that he could feel pleasure in killing his sister or mother. When the horrible nature of these suggestions was set before him, and the punishment due to such an act, he exclaimed, "I am no longer master of myself!" On several occasions, after having embraced his mother, his face became red, his eyes sparkled, and he cried out, "Mother, take care of yourself, I am forced to kill you!" He very soon became calm, and shed tears. One day he met in the street a Swiss soldier, who was quite a stranger, seized his sword, and made a sudden effort to take it from him and stab him. On another occasion, he drew his mother in the cellar, and attempted to kill her with a bottle. For six months this youth was agitated by this horrible impulse; he slept little, complained of his head, kept himself in solitude, and was insensible to the grief of his family, but exhibited no sign of mental aberration in his discourse. When brought to Charenton, he admitted with *sang froid* that he had been five or six times on the point of killing his mother

and sister; and that he bore them no ill-will, and had no fixed ideas. After ten months passed under M. Esquirol's care, this youth became perfectly restored, and afterwards continued to be an affectionate son, and an intelligent and industrious manufacturer.

M. Georget* has observed, with regard to the case of Henriette Cornier above related, that it is very similar in many circumstances to one which became the subject of a trial at the Old Bailey in London. Mrs. Brown cut the throat of her husband's child, aged three years. It appeared that she had been for some previous weeks in a state of indescribable sullenness and gloom. During her trial her countenance was animated, and her features and limbs convulsed; she perpetually called for water, and emptied several decanters. Such agitation is quite the reverse of the calmness manifested in one of

* Memoirs by M. Georget in Archives de Médecine, tom. viii., also Discussion Médico-légale sur la Folie, par le Docteur Georget, Paris, 1826. See also, Examen Médical des procès criminels des nommés Léger, &c., par le Docteur Georget, Paris, 1825; and Nouvelle Discussion Médico-légale sur la Folie, par le même, 1828. See also, de la Folie considérée dans ses rapports avec les questions Médico-Judiciaires par M. Marc, 2 vols. 8vo. Paris, 1840. Annales d'Hygiène Publique et de Médecine Légale. Paris, 1830 to 1842.

the cases to be mentioned presently. Mrs. Brown was acquitted, the jury having found her insane.

The other cases, above alluded to, have appeared already in the Archives de Médecine, and in several publications. I shall abstract the most interesting particulars.

Antoine Léger, vine-dresser, old soldier, was tried before the assize court at Versailles in 1824.—In an extract from his accusation, it is stated that he appeared, from his youth, "sombre et farouche," loved solitude, and shunned females and boys of his own age. In June 1823, he fled from his home, and concealed himself in a forest, where he lived for weeks, sleeping in a cave, and eating wild fruits. He one day caught a rabbit, which he killed, and devoured raw. In his lonely abode, a desire seized him, according to his own account, to eat human flesh and to drink blood. Seeing one day a little girl near the margin of the wood, he seized her, murdered her, sucked her blood, and afterwards buried her body. Three days afterwards he was apprehended; at first he denied the charge, and invented absurd stories, but at length being confronted with the body, and interrogated, he avowed the fact.

He afterwards acknowledged with calmness all the horrible details of the accusation. "Ici l'acte retrace les détails relatifs au viol, à la mutilation des organes génitaux, et à l'arrachement du cœur." Before the audience his countenance displayed profound apathy, even an air of gaiety and satisfaction, but after hearing the deposition of the mother, he was affected, and said, with tears, "Je suis fâché de l'avoir privée de sa fille; je lui en demande bien pardon." He then resumed his indifference; in the same state of mind he heard his sentence of death. MM. Esquirol and Gall examined his head; the former discovered morbid adhesions of the pia mater to the brain. M. Georget, after examining the facts of the case, concludes as follows, "Léger n'était donc pas, comme on l'a dit, un grand criminel, un monstre, un cannibal, un anthropophage, qui avait voulu renouveler l'exemple du festin d'Atrée. Cet individu était, suivant nous, un malheureux imbécile, un aliéné qui devait être renfermé à Bicêtre parmi les fous."

Feldtmann was a tailor, fifty-six years old, who, according to his own account of himself, had been "comme fou" in his youth from the effect of an injury in his head: he was occa-

sionally idiotical or deranged, but in general industrious and honest. After attempting to gratify an incestuous passion for his own daughter, who had invoked the aid of the police to resist his attacks, he stabbed her to the heart, wounded his wife and another daughter, and then gave himself up willingly to a crowd who surrounded him, exclaiming, in reply to their reproaches, "C'est bien fait." In this case the existence of insanity was not fully established by facts; but it seemed evident that the miserable wretch, who suffered for his offence, had scarcely intellect enough to comprehend its nature, and to perceive the turpitude of his conduct, though he foresaw the destiny which awaited him. M. Breschet considered his brain to be in a condition different from that of health; and M. Georget's opinion was, that Feldtmann was a man whose weak intellect was overwhelmed by a passion constituting in itself a real disease which *ought to have been cured by separating the unfortunate wretch from society*, without resorting to the barbarous expedient of extinguishing it together with his life.

Louis Lecouffe was an epileptic from infancy, had often been deranged, had seen visions, and

had been accounted by all who knew him, to be deranged or idiotic. At the instigation of his mother, he was induced to rob and murder a woman against whom he entertained no malicious feelings. He was executed. This was a case not strictly of moral insanity, but of imbecility which rendered the accused a victim to the evil influence of other persons, possessed of greater intelligence.

The case of Jean Pierre was one of simulated madness.

L. A. Papavoine was a solitary, morose wretch, who was considered by all who knew him, to be half crazy and melancholic. Wandering in the woods of Vincennes, he saw a lady walking with two young children. He went to a village and bought a knife; returning quickly, he accosted the lady with pale looks and agitation, and stooping suddenly, stabbed one of the children; while the affrighted mother attempted to remove it, he killed the other. He took flight, but was overtaken and brought to trial; and though he was proved to be insane, and it was manifest that he had perpetrated the horrible act without motive, and under the influence of disease, was put to death according to law. Papavoine afterwards

declared that he could not assign any motive for his act; that it arose from a spontaneous impulse. The opinions of physicians leaned to the probable existence of insanity, but they were not decided. M. Georget says, "Comme médecin nous ne pourrons que rester en doute sur cette question grave; c'est dire que comme juré nous aurions voté pour l'acquittement." Yet the presumptive and direct evidence of insanity was very strong in this case. It was proved at the trial that the prisoner's father had been subject to mental aberrations—to fits of fury, during which he broke and smashed everything, and that the son had been marked as a *solitary being*, shunning society, fleeing from his companions, and always sombre and melancholy, walking often alone in solitary places. Nobody ever knew him intimately, and he never communicated his thoughts to others. In 1823, the utter ruin of his father increased the prisoner's melancholy and irritability. He had besides an attack of mental alienation, which lasted ten days, and two witnesses deponed to it as follows: "He was," said a person employed in the Marine at Brest, where the prisoner had a clerkship, "in a state of fever; he said that a man beset him, that he

saw him, and wished to have a pistol to defend himself with." An officer of health, under whose care the prisoner had been, deposed that he was sombre, suspicious, believing always that people were occupied about him, fleeing the society of women, and often of men; his temper was exasperated, he saw a secret enemy who appeared to him as a ghost, and attempted his life. The witness believed the prisoner to be melancholy and hypochondriac. After his father's death he became worse, gave up his employment at Brest, when he only the more required it for a livelihood, and returned home, where he insisted with his mother that his father was not dead, but had been buried alive. He went to visit a friend for some days, who thought him "physically and morally changed," he would often cry out with the accents of despair, "What, not an instant of happiness? I believe in truth that I am mad." A paper was one day in his friend's hand on which he remarked the letter O. N., "What is the meaning of that?" said Papavoine. "Nothing," said the witness. "I know what it means; it means they drown people here (on nage ici.), Several other strange fancies were proved, such as horror of a razor, when they proposed to

shave him, and the like. He came to Paris to settle accounts with his banker, still indulging in solitary walks, one of which happened to be in the wood of Vincennes. The jailor of the prison of La Force, in which Papavoine was confined before his condemnation, deposed that he was sometimes in a most terrified state; that he had moments of fury when his hair bristled up, the only time he, (the jailor), ever saw the hair so affected; his countenance became of a lively red, and he terrified the very soldiers that surrounded him.*

Among the instances of insane homicide which have occurred in this country, none is more remarkable than that of Howison, who was executed for the murder of Widow Geddes, at King's Cramond. The following are the details of this case:—

John Howison entered the cottage of an aged woman, whose good dispositions were proved by her popularity with the neighbours, and without any motive that appeared, for he took nothing away. In a very short time he

* These particulars are given by Mr. Simpson advocate, in a very interesting and valuable paper on Homicidal Insanity, published in No. V. of the Edinburgh Law Journal.

fled from the house, having first cleft, with the sharp edge of a spade, the head of its defenceless inmate almost in two, the spade having entered in an oblique direction above one eye, and sloped below the other. The horrible act was proved by the most conclusive evidence; but insanity was pleaded, to account for what it was a moral impossibility that any *sane* human being could, in the circumstances, have perpetrated.

The following is the evidence of insanity that was stated on the trial of Howison :—

1. He was known to have been what many of the insane are, as has been seen in the cases of Lecouffe, Feldtmann, and Papavoine, namely a solitary, silent, moody, wandering creature, and that long before the Cramond murder, his only friends in his lodgings, were the cat and a child, and he fed both before eating his own meal.

2. He was miserably superstitious, feared supernatural enemies, and resorted to absurd ceremonies to protect himself against witches; salting his bed and head, wearing about his waist or round his neck a bible, which he never read, and folded papers, attaching to his garments and to the crown of his head, without

which he often said, he would long ago have been dead. He had a fancy to become a quaker, and attended the meetings of that persuasion for some months, where he paid no attention to the worship, but muttered to himself, smelt his bible; pricked himself with pins or needles to the effusion of his blood. He demanded instant admission to the society on one occasion, and with violence; he went more than once to the meeting-house, early in the morning, and was seen to kneel and heard to invoke the Virgin Mary, while he wounded himself over both hands, and smeared the doors with his blood.

3. He had false perceptions, for he used to sit brushing away the flies for hours together with his hand, when there were no flies, and his landlady told him so; he had struggles in the night with witches, and was heard to cry out, "*hands off!*"

4. He had an almost incredible appetite for food, usually devouring half-a-peck of potatoes at a meal, with one or two pounds of a bullock's liver almost raw, and generally filthy; for he would never allow it to be cleaned. Immediately after this gross repast, he drank a quantity of coffee, and ate two or three penny's-

worth of bread! He sometimes saved a few of his potatoes, and took them to bed with him to eat in the night. He habitually wounded his hands, wrists, and arms, with needles or pins; and if he went to bed without his weapons, he rose and came for them. The blood sometimes flowed copiously, dropping from his elbows, when his arms were bare; and in this state he has sallied out into the lane where he lodged, brandishing a stick, and playing extravagant tricks, till the neighbours interfered, and got the "daft creature," as they called him, taken care of. When asked why he ate his meat so raw and dirty, he said, *he liked the blood*, and the meat with the *suction* in it. He further sucked the blood from his own wrist, after every two or three mouthfuls of his food.

Lastly, his landlady had known him, some years before, when there was nothing in his appearance or manner differing from other men; but when he came to her house, a few months before the murder, he was so much altered in his person and manner, and so squalid, dirty, and ragged, that she did not know him, till he had been twenty-four hours in the house.

For a fortnight before the fatal act, Howison

appears to have been wandering about the country, and no evidence of his state of mind during that period was obtained *before* the trial. The facts at Cramond were, that he entered the village with a black handkerchief, covering the lower part of his face (which was otherwise proved to have been his long practice, and, therefore, nothing was founded upon it as concealment), a stick in his hand, and a book hanging from his wrist. He asked alms from several persons in the row of houses, without success; was seen to enter Widow Geddes' cottage, and in a very brief space to come out hurriedly, shut the door after him, and run from the village, quickening his pace when he thought himself observed. One witness heard the sound of a blow, which he called a *chap*, to come from the cottage when Howison was in it, and the moment before he came out. He was apprehended next morning some miles from King's Cramond, was quite composed, denied all knowledge of the murder, and even of having been at King's Cramond the day before. In this denial he persisted to the last, making one uniform answer, both before and after his trial, "*Nobody saw me do it.*"

The evidence of Howison's insanity has been summed up in a very able manner by Mr. Simpson. He was proved to have several pernicious habits and practices, recognised as characters of madness :—

1. His enormous appetite for food. Of this many instances in the insane could be furnished, some cases manifesting no other symptoms. The sight of food renders them furious, they will dispute it with the dog and the swine; they gorge the stomach beyond all powers of digestion, calling incessantly for more, and thereby injuring all the other functions, including those of the brain itself. A man was taken into the infirmary of Edinburgh, in December, 1830, raving mad for food, his stomach being distended with the quantity he had eaten; nevertheless, his only cry was, "hunger, hunger, hunger!" Starvation has always *produced* insanity in those previously sane, as it is well known in shipwrecks, and as was tremendously exemplified in that of the Medusa, French frigate. With his morbid calls for food, it is quite conceivable that Howison might be excited to a pitch of destructive mania by a few hours' want.

2. He ate animal food in large quantity

almost raw, delighting in the blood which came from it. This, too, is a well-marked symptom of insanity. A shocking case of literal appetite for blood, occurred at Paris, in 1823, in the case of Antoine Léger.

3. Howison, like maniacs well-known in madhouses, was, almost without ceasing night or day, wounding himself to the effusion of his blood. He marked the chapel door-posts with it; he exhibited it dropping from his elbows; and he sucked it as he ate his meals.

4. He was solitary, silent, and sombre, like Lecouffe, Feldtmann, Papavoine, and Léger, and a whole class of madmen. Indeed, he was so uncommunicative, that his counsel could not draw from him one word of his history or connexions, in order to enlarge the evidence of his insane habits.

Lastly, he was under the influence of superstitious horrors, and kept off the supernatural evils he dreaded by strange ceremonies, and above all by the fancied protection of the bible tied round his wrist, which it was proved he never read, and which when removed at his meals he placed round his neck so as never to quit his person.

It is observed by Mr. Simpson in his remarks

on this case, that there are *three motives* which lead the sane to murder; revenge, cupidity, and precaution. None of these could impel the unhappy Howison; the existence of the old woman was unknown to him till the moment of the murder—he took nothing from the house.

Application was made, without success, to the Secretary of State by Howison's Law Agent for time to obtain further evidence of his insanity. To this that gentleman was emboldened by receiving the concurring opinion of the first medical men at Edinburgh, who had not been cited, that even the evidence adduced on the trial was sufficient; but that when several post-judicial facts were added there could be no doubt the unhappy man was not a fit subject for punishment. These last-mentioned facts were, first: That some time before his appearance at Cramond, Howison, in being refused alms by a gentleman near Edinburgh, to whose house he came, made a savage assault upon him (for his muscular strength was very great, which is often the case with maniacs,) seized him by the scrotum and kept his hold till the gentleman had nearly fainted. His whole demeanour was frightfully ferocious, and he was

knocked down by one of the farm servants before he quitted his grasp. When delivered from his great peril, the gentleman soothed his assailant, gave him food, and sent him quietly away. Again, a gentleman of Dundee made affidavit that he was one of the directors of the lunatic asylum in that town, and accustomed to observe insanity ; that being in Edinburgh, a short time before the Cramond murder, he chanced to go one day to witness the mode of worship at the Quaker's meeting, his wife and daughter being with him. Near the place he saw Howison in the street, in a mood so excited, violent and threatening, that he looked about for aid from the police, in the event, which he almost expected, of an attack or outrage, and expressed his surprise that so dangerous a person was not taken care of. This affidavit was transmitted to the Secretary of State.

The last scene of Howison's life afforded additional evidence of his insanity. He confessed the night before his execution eight murders, not one of which had ever been heard of, or could have occurred unknown. At parting with the deputy-governor of the jail, he avowed that he felt at that moment a strong

impulse to murder him, and he had been most kind to him; while in the same breath, he inveighed against his lawyers for not resting his defence on the defective evidence as *he* viewed it, of the murder, but pleading that he was mad, which as he alleged was utterly untrue. His voracious appetite for food ceased only with his breath.

The following cases prove that the homicidal propensity is not always an irresistible impulse, and the individuals subject to it sometimes remain still under the influence of moral motives.

In a respectable house in Germany, the mother of the family returning home one day, met a servant, against whom she had no cause of complaint, in the greatest agitation; she begged to speak with her mistress alone, threw herself upon her knees, and entreated that she might be sent out of the house. Her mistress, astonished, inquired the reason, and learned that whenever this unhappy servant undressed the little child which she nursed, she was struck with the whiteness of its skin, and experienced the most irresistible desire to tear it in pieces. She felt afraid that she could not resist the desire, and preferred to leave the house. This circumstance occurred about

twenty years ago in the family of M. le Baron de Humboldt, and this illustrious person permitted his testimony to be added.

A young lady in one of the asylums of the capital, (Paris) experienced a violent inclination to commit homicide, for which she could not assign any motive. She was rational on every subject, and whenever she felt the approach of this dreadful propensity, she intreated to have the strait-waistcoat put on, and to be carefully guarded until the paroxysm, which sometimes lasted several days, had passed.

Mr. R., a distinguished chemist and poet, of a disposition naturally mild and sociable, committed himself a prisoner in one of the asylums of the Faubourg St. Antoine. Tormented by the desire of killing, he often prostrated himself at the foot of the altar, and implored the divine assistance to deliver him from such an atrocious propensity, and of the origin of which he could never render an account. When the patient felt that his will was likely to yield to the violence of this inclination, he hastened to the head of the establishment, and requested to have his thumbs tied together with a ribbon. This slight ligature was sufficient to calm the

unhappy R., who, however, finished by endeavouring to commit homicide upon one of his friends, and perished in a violent fit of maniacal fury.

"A countrywoman, twenty-four years of age, of a bilious sanguine temperament, of simple and regular habits, but reserved and sullen manners, had been ten days confined with her first child, when suddenly, having her eyes fixed upon it, she was seized with the desire of strangling it. This idea made her shudder; she carried the infant to its cradle, and went out in order to get rid of so horrid a thought. The cries of the little being, who required nourishment, recalled her to the house: she experienced still more strongly the impulse to destroy it. She hastened away again, haunted by the dread of committing a crime of which she had such horror; she raised her eyes to heaven, and went into a church to pray.

This unhappy mother passed the whole day in a constant struggle between the desire of taking away the life of her infant, and the dread of yielding to the impulse. She concealed, until the evening, her agitation; then her confessor, a respectable old man, was the first who received her confidence, who, having talked

to her in a soothing manner, advised her to have recourse to medical assistance.

At Bures, the wife of a butcher, forty years of age, of a nervous constitution, the mother of several children, of a mild and amiable character, endowed with good sense, who had always enjoyed good health, experienced anxiety of mind in consequence of the derangement of her affairs, of which her husband was a chief cause.

One night she had a dream, and thought she perceived a cord, which she tried to seize in order to hang herself. On awaking she was silent and had confused ideas, which soon fixed themselves in a project of strangling her children. She mentioned to her husband, shedding tears, this dreadful design, and requested that her children, and even the knives belonging to the trade, might be put out of her sight.

Among the cases which may be cited as proving the connexion of this psychological phenomenon with bodily disease, I have seen none more decided than the following. The facts fell under the observation of Dr. Hawkins :—

" E. B., a young, and hitherto wealthy woman, the mother of two children in humble

life, but not indigence, applied at the Hitchin Dispensary, in consequence of the most miserable feelings of gloom and despondency, accompanied by a strong, and, by her own account, an almost irresistible propensity or temptation, as she termed it, to destroy her infant. This feeling first came upon her about a week before, when the child was a month old; and she was now sunk into an extreme state of dejection. She begged to be continually watched, lest she should yield to this strange propensity. Her appetite was bad, bowels loose, stools dark and offensive; she had occasionally discharged portions of tapeworms from her bowels. Pulse natural, sleeps ill." This account is taken from the Dispensary Report-book, October, 1824; and the treatment need not be mentioned, as the symptoms continued without alteration until March, 1825, when the patient took the small-pox. During the eruption, the mind was serene and happy, and she was free from the dreadful temptation, by which she had been previously harassed; but, upon the subsidence of the small-pox, the disease returned with its former horrors. About the middle of April the disease, without any apparent cause, began to decline, and she

was, at the end of the month, discharged from the Dispensary by her own request. Her child was now six months old. She remained free from any disorder till the spring of this year (1828) when she had another child; and about a month after the birth of it, she was assailed by the propensity to destroy it. The symptoms continued until the child was half-a-year old; and from that time, have gradually declined. Occasionally, for a few days, a sort of change takes place; the propensity to destroy the infant entirely subsides, and the place of it is supplied by an equally strong disposition to suicide. It is worthy of remark, that during the most distressing periods of her disease, she is perfectly aware of the atrocity of the act to which she is so powerfully impelled and prays fervently to be enabled to withstand so great a temptation. She has repeatedly told Dr. Hawkins, that the inclination to destroy her child has been so powerful, that she should certainly have yielded to it, if she had suffered herself to use a knife even at her meals; for the knife is the instrument which she feels necessitated to employ in the perpetration of the act. Whilst this extraordinary state lasts, the bowels are uniformly relaxed,

and the stools of a dark offensive odour. She has suckled three children; but this dreadful state of mind has supervened on the birth of the two last only. It may be proper to observe that, when suffering from any bodily indisposition, her mind is serene and free from any kind of morbid feeling. This poor woman is by no means deficient in affection for her infant, even in the most trying period of her disease.

SECTION XI.

SUMMARY STATEMENT OF THE CIRCUMSTANCES WHICH DISCRIMINATE INSANE HOMICIDE.

1. Sometimes, but not always, circumstances are discoverable in the previous history of the perpetrator or in his actual condition, at the time when the act has been committed, which render it highly probable that it was done under the influence of madness.

It has often been reported that such persons have been eccentric in their habits, morose and solitary beings, or dejected melancholics. This has been, in some instances, their natural and habitual character; in others it has been their

state for a greater or shorter period previous to the homicidal attempt. In some instances the perpetrators had previously attempted suicide, had expressed a wish for death, and were desirous to be executed as criminals.

In other instances there have been indications of bodily disease such as we know to be connected more or less frequently with a predisposition in insanity. Persons subject to severe and frequent attacks of epilepsy are known to be sometimes liable to such affections, and this was the case in some of the instances above cited, as in that of Lecouffe. Particular states of the constitution, especially in females, are connected with great mental excitement and occasionally are predisposing causes to this and other mental disorders, and they are known very commonly to produce an irritable and irascible temper.

2. The act of Homicidal Insanity is different in its nature and moral causes from that of the murderer. Men never commit crimes without some motive; the inducement which leads them to an atrocious act, are of a kind which other men can appreciate and understand, though they do not sympathize with them. Jealousy, hatred, and revenge excite some; others are

moved by the desire of plunder, of getting possession of money or property. The act of a madman is, for the most part, without motive and even contrary to all the imaginable influence of motives. Men have killed their wives and children, to whom they were most tenderly attached, some apparently without any design and from a mere instinctive impulse; others act apparently under the influence of a motive which, to a sane mind, would be quite inadequate to move the will, as from an absurd idea of delivering their victims from the sufferings of human life. There have been some instances in which the perpetrator of insane homicide has been excited by a real monomaniacal delusion, a firm and strong belief that he acted under a divine command.

3. The insane homicide often kills a number of victims at a time, slaughtering all within his reach, and often attempts afterwards to destroy his own life. Murderers, on the other hand, seldom shed more blood than is necessary for the attainment of their object.

4. The manner in which the murderer sets himself to the consummation of his crime as well as his subsequent conduct, is very different from the proceedings of the madman. The

former often has accomplices; he commences with premeditation, lays a plan before hand, chooses time, place and circumstances adapted to the perpetration of the deed, and generally has contrived some method of escape after the catastrophe. He always studies concealment and personal safety, and when there is danger of detection uses all possible despatch to escape the punishment due to his crime. All these particulars are reversed in the proceedings of the madman. He has no accomplices, he never communicates his purpose to any human creature; he rushes on his victim, for the most part, as if driven by a sudden impulse; seizes whatever weapon chance throws in his way, and sometimes seems to be excited powerfully to the attempt by the sight of implements fitted to his purpose. He lays no plan for escape, and seldom attempts it after perpetrating the act. Often he has been known to sit down quietly when he could easily escape, and wait till he is seized by the officers of justice.* In many instances the insane homi-

* A member of the House of Commons, who witnessed the assassination of the late Mr. Percival, has assured me, that Bellingham could easily have escaped in the midst of the confusion which took place in the lobby of the house,

cide has avowed his act with perfect indifference, and without exhibiting any sign of regret or remorse, or apprehension of censure, or dread of punishment; sometimes he has surrendered himself to officers of justice, and expressed a wish to suffer the penalty of the law, and has been even desirous of execution.

5. The victims of the madman are generally persons to whom he had been attached, often his relatives, his wife, and children; sometimes they are persons whom he had never before seen, entire strangers against whom it is inconceivable that he could have any motive of malevolence. It is often clear that he has entertained no such sentiment.

Many of these characteristic traits may be observed in the cases above related; they are curious as psychological facts, and very important to the legal discernment of such cases.

I have observed that there are instances in which the mad homicide professes some motive for his acts, some insane hallucination, which has got possession of his mind, and which, according to his account has excited him to the

but that he sat down quietly and apparently with perfect indifference awaiting the event. I believe that few persons now entertain doubt of Bellingham's insanity.

deed. He is in this case strictly a monomaniac. It is probable that if we could exactly analyse the state of his mind, and the succession of his feelings, we should still find that the insane impulse to homicide was the first moving cause, and that the monomaniacal delusion was an idea that suggested itself as a sort of excuse; that this was a secondary thought or a mere accessory to the engrossing impulse. It is, comparatively, in few cases that such an impression can be proved to be present in the mind. Yet on this question has turned the event of many a trial. The incendiary who set fire to York Minster, was declared a lunatic on this ground; he fancied that an angel had commissioned him. If nothing of that kind could have been alleged in this case, there is no reason to doubt that the unfortunate wretch would have been hanged, though not the less a madman, than he was, when imagining that he acted under a divine command. The case was here one of arson, not of homicide; but the observation may apply to either act.

Other examples in which an insane motive is professed, and really has some part in prompting the madman to homicide, is when he imagines some evil, impending over the vic-

tims of his act, from which he hopes to deliver them. Thus some have killed their children to prevent the ruin of their souls; others to avoid poverty and distress which they apprehended without reason, and sometimes when they had ample means of subsistence. The following case of this description has been reported by an American writer.*

"Captain James Purington, of Augusta, Maine, a rich and independent farmer, of steady, domestic habits, dark complexion, grave countenance, reserved in company, never looking in the face of persons he addressed, obstinate in his opinion, though he frequently changed his religious notions voluntarily, a decided believer in universal salvation, often expressed anticipation of the moment when his family would be happy; and sometimes how happy he should be if they should die at once. He was very avaricious, and elated or depressed as his affairs were prosperous or adverse. In August, 1805, he removed to a new farm, which rapidly improved. He seemed happy till within a few weeks of his death. The uncommon drought

* Parkman's Illustrations of Insanity. Ray's Medical Jurisprudence, &c.

distressed him greatly, lest his family should suffer from want of bread, and his cattle starve. On Sunday, the 6th of July, 1806, Mrs. Purington, and the eldest daughter, being at church, the second daughter saw her father writing a letter, which he, perceiving that he had been overlooked, attempted to hide. She asked him what he had been writing. He said, nothing; and asked for his butcher-knife, saying, that he wanted to sharpen it. Having made it very sharp, he stood before the glass, and *seemed preparing to cut his throat.* His daughter terrified, cried, What are you doing? he said calmly, nothing; and laid the knife away. This was told to his wife; she searched for the letter, and found it. It was addressed to his brother, and stated that he was about going a long journey, and directed him to take charge of his children.

"On the 7th of July, at dinner-time, he found his wife sitting in the house, weeping; she disclosed the cause; he said he did not intend suicide, but he had a presentiment his death was near. Towards the close of the following day, he ground the axe; when the family went to bed, he was reading the bible; it was found open on the table, at Ezekiel, chapter ix. On

the 9th of July, at two o'clock in the morning, his eldest son alarmed the neighbours; they found Captain Purington lying on his face; his two sons, aged five and eight, in bed with their throats cut, the razor on a table by his side, the axe near; in the next room, Mrs. Purington, aged forty-four, in bed, her head almost severed from her body; near her, on the floor, a daughter murdered, ten years old; in the other room, in bed, a daughter, aged nineteen, most dreadfully butchered; the second, aged fifteen, most desperately wounded, reclining her head on the infant, eighteen months old, whose throat was cut. The eldest son was wounded when Captain Purington attacked and dreadfully mangled the second, twelve years old, who attempted to escape. Captain Purington did not speak a word."

SECTION XII.

PROPENSITY TO SUICIDE.

It has been a theme of frequent discussion, whether the act of suicide affords by itself a presumption of the existence of insanity.

This question was agitated before the parliament of Paris, in 1777, and was set aside by some proceedings of form. M. Foderé, a celebrated professor of jurisprudence at Strasburg, maintained the affirmative, and expressed long ago a decided opinion on the subject. Suicide implies a suspension of the strongest instinct of nature, that of self-preservation; and on this ground it has been plausibly maintained, that it denotes such a perversion of the active principles of the human mind, as constitutes madness. There are, however, considerations which will prevent us from resting satisfied with this conclusion. It is rather a view of the subject which every one would wish to take, from a desire to extenuate or do away the guilt of suicide, than one of the truth of which we can fully persuade ourselves.

That suicide is not always the result of insanity we must infer from the calm and deliberate manner in which it has been perpetrated. This act has frequently been the result of rational motives, which can be well appreciated by sane persons as not altogether devoid of influence, of motives well weighed, of deliberate, calm determination of the will. It results from a desire, not in itself contrary to nature

or reason, to escape from anticipated evils, from the sufferings of life protracted under circumstances which promise only shame or misery and disappointment. This is not the character of the acts of a madman, but rather of a person possessed of reason, though under the influence of despair, of passions habitually ill-regulated, and uncontrolled by a sense of duty and religion.

The frequent practice of suicide in many countries, where it has been looked upon as in no way culpable or indicative of mental disorder, removes it from the class of those anomalous and unaccountable acts depending on insane impulses. By many of the ancients suicide was rather commended. Pliny terms it the greatest privilege that the gods have left in the power of men amid the calamities of human life. At Ceos, the country of Simonides, it is said to have been a popular maxim that every citizen ought to destroy himself when he attained the age of sixty, and it was supposed shameful to survive the period when a man became unable to serve the commonwealth. Among the ancient Romans, as we learn from Tacitus and other writers, suicide was the general result, among the nobles, of falling into

misfortune or public disgrace, or under the displeasure of the Emperor. Among the ancients, suicide was thought by no means criminal, and the sentiment of Socrates, who censured it, is recorded as something novel and remarkable. A similar observation may apply to China in the present day, where a Mandarin, or public officer, who falls into disgrace, scarcely thinks of any other termination of his career. In the Chinese plays, translated long ago and published by Duhalde, the unfortunate actors destroy themselves, as if this was a thing to be regularly expected.

The following instance of suicide is a remarkable one. Two persons combined in the perpetration, and it can hardly be brought for that reason, with any degree of probability, under the category of insane acts.

Richard Smith had been a rich man, but was reduced to poverty with declining health; he had a wife and an infant on whom he could confer nothing but a participation in his own misery. Richard and Bridget Smith, with common consent, having tenderly embraced each other, and having taken leave, with parental tenderness, of their infant, put the latter to death, and then hanged themselves up to

the posts of their bedstead. A letter was found written by them as follows:—"We believe that God will forgive us. We have quitted the world because we were unfortunate, and without resource, and we have conferred on our only child the benefit of putting him to death, that he may not become as unhappy as ourselves."

It is not a little curious that these wretches, who had killed their only child, wrote to a friend and commended to his care their cat and dog.

Many instances are on record of lovers who made a compact to destroy themselves. Madame de Stael, who, at one time, seemed to regard suicide with a favourable eye, though her sentiments were afterwards entirely changed, related the case of a young officer of distinction, who resorted to an inn, at Potzdam, with a young lady to whom he had been once attached. There, after chaunting some romantic stanzas on the subject of suicide, he first shot his paramour and then himself afterwards. The lady left a husband and a child. M. Esquirol has related some cases which happened in France of a similar nature: one of these oc-

curred at Lyons, and was imitated in several examples.

These, and similar considerations, prove that insanity cannot be pleaded in all cases, as an excuse for suicide. On the other hand there is no want of evidence that this act is, for the most part, the result of mental disease. A propensity to suicide is often clearly connected with bodily disorders of various kinds. The following acts will illustrate this remark.

Some females are well known to be assailed by various morbid feelings, and some symptoms of temporary insanity at the periodical return of the catamenia.

Individuals who have manifested this propensity are known to have laboured under hypocondriacal and dyspeptic symptoms, cardialgia, flatulent or neuralgic pains in the bowels; they are generally of the melancholic or atrabilious temperament, or display the external appearance of that constitution which derives its name from lowness of spirits.

Anatomy has displayed a variety of phenomena in the bodies of persons who have been the victims of suicide. And although these phenomena are not constant, the frequent discovery of some or others of them in such

bodies, indicates their connection with the propensity displayed.

We usually look, in the first place, in the head for phenomena connected with the forms of mental derangement. Gall was of opinion that the skulls of self-murderers are thick and dense. Esquirol declares that he possesses in his collection many skulls which are negative of this opinion. "I have sought," says this excellent observer, "in many heads to find some general fact in the proportions of the different diameters, andcould obtain no result. I possess skulls of suicides of which the antero-posterior diameter is very long, while in others this diameter is nearly equal to the lateral one; so that in one case the head was very long, and in the other almost spherical." There is nothing constant in the phenomena presented by the brain in these cases, either in respect to original conformation, or the marks of internal and supervening disorganisation.

Lesions of the heart, and inflammations of the abdominal viscera, are regarded by Osiander as the causes of suicide. Disorders of the heart have been found frequently by Alberti of Göttingen, and by Corvisart; M. Esquirol

has found the transverse colon out of its natural position, lying in a perpendicular direction towards the pubis, a phenomenon noted in other modifications of insanity. This writer concludes, that there is nothing constant or uniform in the phenomena displayed by necroscopy in cases of suicide. The same conclusion was obtained by M. Leuret, as the result of sixteen dissections.

The predisposing and occasional causes of suicide, indicate the connection of this propensity with physical conditions. Those who have committed suicide, according to universal testimony, have generally been members of families predisposed to insanity. Dr. Rush has reported a remarkable case, coinciding with this series of observations:—Two young officers, who distinguished themselves in the revolutionary war of America, were twins. They were so much alike, that nobody could distinguish them; both were of cheerful dispositions, happy in their families, connections, and fortunes. Both committed suicide, about the same period, when they were in different parts of the country. They had been dejected for some days before. The mother of these

young men was insane, and two of their sisters were for some years harassed by temptations to suicide. *

* I ought not to omit mentioning, that M. Esquirol, whose authority on all subjects connected with mental disorders is entitled to the highest consideration, appears to consider suicide as always a manifestation of insanity. He has thus expressed himself in his last work, which contains the results of his most mature deliberations.

"Can it be believed, that such a violation of the first laws of nature, that so great an exaltation of the imagination, that such a morbid excitement of sensibility, can be the accompaniment of health of the body, and integrity of the understanding? Must not a man have reached the very extreme of madness before he can resolve to slaughter his wife and children, to whom he is most tenderly attached, and then to violate the law of self-preservation? Yet facts prove, that the persons who have perpetrated such acts, have been, both before and after the deed, calm and rational. But this calm and rational state is observed also in maniacs, who, on the slightest motive, give themselves up to actions which bespeak the most violent madness. It is not that the proof of insanity, that is wanting in cases of suicide, but it is the faculty of observation that is defective, and the power to perceive the real condition of the case."—Esquirol, des Maladies Mentales, tom. i., p. 571.

I think there can be no doubt, that such atrocious cases as those to which M. Esquirol adverts, are instances of insanity; but these are very different from the more deliberate acts of suicide, which indicate calm determination, and the influence of motives well considered.

SECTION XIII.

INSANE IMPULSE TO BURN, PYROMANIA OF M. MARC.

A most dangerous form of instinctive madness, is the impulse to destroy, particularly by fire, houses, churches, and property of every kind. So many instances of this description have occurred, that it has received a particular description, that of Pyromania, given to it by M. Marc, who has written a work expressly on this subject. Numerous cases may be cited from the works of medical authors and writers on medical jurisprudence, and they are well-known to those who have the care of lunatic asylums.*

A most remarkable instance of this instinctive pyromania, was that of Marie Franck, who was executed for house-burning. The case was published in a German journal, from which it was cited by Dr. Gall. Within five years, Marie Franck fired twelve houses, and was arrested on the thirteenth attempt. She was a peasant's daughter of little education, and in consequence of an unhappy marriage,

* I have been assured by Dr. Wake, that several instances of this description have occurred in the York Lunatic Asylum, of which he has long had the superintendence.

had abandoned herself to habits of intemperance. In this state, a fire occurred in which she had no share. From the moment she witnessed this fearful sight, she felt a desire to set fire to houses, which, whenever she had indulged in strong liquor, was converted into an irresistible impulse; she could give no other reason, nor shew any other motive for firing so many houses, than this impulse which drove her to it. Notwithstanding the fear, the terror, the repentance she felt, in every instance, she repeated the act. In other respects, her mind was sound.

Another characteristic instance has been cited by Gall.—A young girl, of a quiet and inoffensive disposition, and whose character had hitherto been exemplary, made seven different attempts to burn houses in a village near Cologne. When interrogated as to the motives which had prompted her to act so wickedly, she burst into tears, confessing that, at certain periods, she felt her reason forsake her, that then she was irresistibly impelled to the commission of a deed, of which when done she bitterly repented. She was acquitted by a jury, of all criminal intentions.

In another instance, related by the same

writer, this propensity was connected with imbecility, in the prison at Freyburg.

The following instance is related in a well-known English medical journal.—A girl, seventeen years of age, became a servant to Mr. Becker, on the 7th of February. Strange to say, her master's house was discovered to be on fire, several times in the course of a few days, after she began to reside there. The girl was dismissed, in consequence of her master supposing that she was bewitched. Soon afterwards, she got a place in another family, and it was not long before she again resorted to her incendiary practices. When charged with the offence, she at once confessed it, and was bitterly grieved at the damage and distress she had caused. The judge, before whom she was tried, very properly decided, that she was the victim of insanity.

An instance was reported by Plattner, a German writer on jurisprudence, which illustrates the connection of this propensity with constitutional or bodily disease.—It was the case of a country girl, who twice attempted to set fire to a house. She was incited, as she said, by a voice, which continually commanded her to burn, and then to destroy herself. She

declares that she witnessed the first burning with calmness and delight; the second time, she made haste to give an alarm, and attempted to hang herself. In this girl no defect of intellect was discovered; but it appeared that, from the age of four years, she had been subject to a spasmodic disorder, which degenerated into fits, and had probably the nature of epilepsy, and that she had suffered a severe epileptic fit some days before the second committing of arson, for which no inducement, not even the least provocation or angry feeling, could be assigned as a motive.

It must be observed that arson, or the insane act which imitates that crime, has been perpetrated by lunatics labouring under some illusion, who fancied themselves to have received a divine commission, or a command from an angel, to destroy by fire. A remarkable instance of this kind was that of Jonathan Martin, who set fire to the cathedral church at York. M. Esquirol has cited this case. When he appeared before the court, Jonathan conversed with a smiling countenance, for some time, with the persons around him. When asked by a lady, whether he was sorry for what

he had done, he replied, "Not at all, I would do the same thing again; the house of the Lord ought to be purified from the unworthy ministers who corrupt the traditional purity of the gospel." That is not the way to instruct the clergy. Martin replied, with a smile after some moments' silence, "You are wrong. This will make them reflect. They will perceive that the finger of God has directed my arm. Christians who are seriously converted to the true faith will acknowledge that I have done what is right. The Lord's ways are mysterious, and it is his will that does everything on earth and in heaven." When drums announced the arrival of the judge, Martin said, "That is strange; one would think the trumpet of the Last Judgment was sounded." During the prosecution, the Solicitor-General declared that he would desist from another head of accusation, joined to that of arson. Jonathan had been accused of having stolen the golden fringe and other ornaments of the choir. On this Martin declared, that he had no design to steal anything, but that an angel from God, having commanded him to set fire to the church, he wished to furnish himself with

proofs that he alone had committed the act, and that no other person might bear the punishment.*

M. Esquirol, after examining the evidence of facts bearing on the subject of this propensity, has given the following concluding remarks:—

Among incendiaries who are either lunatics or persons of weak intellect, some have hallucinations, as in the preceding instance, but the greater number obey a mere instinctive impulse to commit the act. These last mentioned persons are not deprived of the faculty of reasoning, and their madness may be referred to the head of insanity without delusion. There are facts which prove that some incen-

* The whole history of Martin's case was not stated by his counsel. He had for years before expressed convictions which proved insanity; such as, commands given by an angel to follow the example of St. Edward the Confessor. I state this fact on the authority of a physician, who was confidentially consulted on the case. The other particulars are cited from M. Esquirol's work.

It seems, on a review of the whole case, that Martin, though a monomaniac, was a very knowing one; and I believe that persons who have had constant observation of him since the period when his confinement commenced, that though insane, he was not altogether "insons criminis."

diaries are excited by an instinctive impulse independent of their will.

It is difficult to understand what can be meant by the expression that such an act is independent of their will. The will seems rather to be impelled by a more powerful instinctive desire. It may be expected that the cases in which hallucination has been alleged as the motive to destroy by fire, are in reality not so remote in their nature from these instances of merely instinctive impulse. The delusion is perhaps rather consequent on the morbid desire than the real motive of the act, since it is more in accord with the ordinary phenomena and history of madness, that the active propensities to disease should lead the understanding astray, than that a disorder of the intellect should really be the origin and foundation of the whole disturbance which the mind sustains.

This incendiary propensity is not a frequent phenomena in this country. If it were, it would be a serious matter of consideration, whether pyromania, as it is termed by our continental neighbours, should in all instances obtain perfect impunity for so dangerous and destructive an act. It should be made, at any rate, quite clear in every particular case, not

only that the perpetrator was under the influence of a morbid propensity, but that the propensity was irresistible and beyond the power of control, by the influence of motives. These are two questions which are generally confounded, but which should be kept distinct.

SECTION XIV.

INSANE PROPENSITY TO THEFT, OR CLEPTOMANIA.

It is the uniform testimony of those who have had the care of insane persons, that a propensity to theft is among the results and indications of madness. This impulse is sometimes merely one manifestation of a disorder affecting the understanding, or a symptom of general derangement of the intellect, as in old maniacal cases; in other instances, it appears as the single and only point on which the mind is disordered. These instances are often perplexing by the want of clear evidence, whether these results are morbid phenomena or criminal actions. There is a third set of cases, of which I know some examples of a still more puzzling kind; namely, where the pro-

pensity to theft co-exists with other defects of morality, as with a tendency to lying and deception, or with a total recklessness, while the intellect is apparently not unsound. The proof of insanity in such instances is difficult and obscure.

I must confirm what I have laid down by medical authorities.

The celebrated American physician, Dr. Rush, says:—"There are persons who are moral to the highest degree as to certain duties, but who, nevertheless, lie under the influence of some one vice. In one instance, a woman was exemplary in her obedience to every command of the moral law, except one—she could not refrain from stealing. What made this vice more remarkable was, that she was in easy circumstances, and not addicted to extravagance in anything. Such was the propensity to this vice, that when she could lay her hands on nothing more valuable, she would often at the table of a friend, fill her pockets secretly with bread. She both confessed and lamented her crime."

Pinel declared, that he could cite numerous instances of insane persons, of either sex, otherwise well-known as models of strict

probity, during their intervals of calmness, and remarkable during their mad fits for an irresistible propensity to steal and to pick pockets. He mentions females who, during maniacal attacks, steal everything that comes in their way, and creep into the rooms of their neighbours, in a lunatic asylum, and furtively seize whatever articles they can appropriate. M. Esquirol gives the same testimony, and mentions the following case as an example :—"A gentleman, who had been an old Knight of Malta, whose education had been most strict, became very amorous, and gave himself up to licentious habits. At the age of thirty-five, he was perceived by his friends and relatives to have his faculties weakened; he was not so lively, and had occasional loss of memory—the object of his passion excited his anger and vexation. Then he became agitated, quarrelsome, impertinent, insulting men and women, and at last a thief. This disposition to theft was so great, that, dining in his own house, he put the spoons in his pocket; he exerted not more restraint at the houses of his friends and of strangers. He had a journey of eighty leagues to M. Esquirol's establishment. During this journey,

although several persons accompanied him, he continued to secrete the spoons, sliding them into his boots if he could not get them into his pocket. In other respects, he was quite reasonable. M. Esquirol let him walk about with a servant. One day he entered a café, and went away without paying, and carrying away a spoon and a salver. This physician placed him at dinner next to himself; and the first time that he gently slid his hand to take the spoons and forks, he stopped him, and exposed him before the company. This lesson was sufficient; and, during more than eight days, he was careful to remove his fork and spoon by pushing them into the middle of the table, either to avoid the temptation, or to shew that he did not steal."

M. Fodéré, an eminent writer on jurisprudence, says, "that he has often witnessed an irresistible propensity to steal, even in persons well-educated, and who, during infancy, had often been chastised for this vice, for which," as he says, "they had conceived, in consequence, the greatest horror, yet, in riper age, could not prevent themselves, when opportunity occurred, of indulging it. I had a female servant," I cite the words of M. Fodéré, "who was a very good christian, very wise,

and very modest, who could not prevent herself from stealing in secret, from myself and from others, even the most trifling things, although convinced of the turpitude of the action. I sent her to the hospital as mad. After a long time, appearing to be reclaimed, she was restored to her place among the other servants; by little and little, in spite of herself, the instinct returned: and being distracted on the one hand by this evil propensity, and on the other by the horror which she felt of it, she fell into an access of mania, and suddenly died in the violence of one of the paroxysms."

The most important fact to be established respecting these cases, is their morbid nature, or the dependence of the thieving propensity on disease. The following cases afford evidence on that head:—

Dr. Gall declares, that he observed four instances of females who, when pregnant, were afflicted with a vehement desire to steal, though quite free from any such disposition at other times.

Acrel gives the case of a young man, who, after receiving an injury on the head, for which he underwent the operation of trepan, displayed, after going out of the hospital, an

invincible propensity to steal, which was quite contrary to his usual habit. After committing several thefts, he was imprisoned: and would have been punished according to law, if Acrel had not proved him to be insane, and showed that the propensity arose from disease.

The following case has been cited by a late author from the *Journal de Paris*:—"An ex-commissary of Police at Toulouse, Beau-Conceil, had just been condemned to eight years, confinement and hard labour and to the pillory, for having, while in office, stolen some pieces of plate from an inn. The accused persisted to the last in an odd kind of defence; he did not deny the crime, but attributed it to mental derangement, produced by wounds he had received at Marseilles, in 1815."

A similar effect was observed by Dr. Smith, of New Haven, as consequent on typhous fever:—"One patient, in particular, who had been extremely ill with this disease, after his recovery, had a strong propensity to steal, and did in effect take some articles of clothing from a young man, to whom he was under great obligations, for the care which he had taken of him during his sickness. He at length stole a horse, and some money, was

detected and punished. I took some pains to inquire into the young man's former character, and found it good, and that his family was respectable."

The following cases, which have never, as I believe, been published, are very characteristic:—

A gentleman of large fortune, whose benevolence was proverbial, bore a character above all reproach, with the exception of petty thefts committed in shops. This unfortunate disposition soon became known among the shopkeepers of the town in which he lived; when he entered their shops, the well-disposed would remove the smaller articles from the counter, or would keep so strict a watch on him, that it was almost impossible for him to exercise his diseased propensity; if, however, he succeeded, the article stolen was directly returned by the family, and compensation made, if demanded. For the purpose of extorting money, some heartless persons, would put articles within his reach, and give him every opportunity to steal them.

A gentleman, having an independent income of £2,000 a year, was at Scarborough. In passing through one of the streets, he saw a friend

with his daughter, in a shop; he joined them. The party left the shop together. In a short time the mercer waited on the father of the lady, and regretted much to state, that his daughter had, no doubt by mistake, taken a silk shawl from the counter of his shop. The father contradicted the charge, and inquired who was in the shop during the time when the shawls were exposed. The reply was, "no one but himself, the lady, and gentleman." The shopkeeper accompanied the gentleman to his friend's residence, in the hall of which he found the great coat worn in the morning, and in one of the pockets was the lost shawl. It was delivered to its owner, with this remark, —"It is one of my friend's peculiarities sometimes to take that which does not belong to him." This theft could not have been committed for the purpose of gain, nor could he have stolen it for use. The neglect in leaving this stolen article in his coat-pocket, clearly proves the feeling which must have instigated him when he possessed himself of it. This gentleman died of general paralysis.

A lady, the wife of a man of large fortune, was so habitually accustomed to pilfering whilst shopping, that her husband was compelled to

remove from a town to a country residence, in order to curtail his wife's sphere of pilfering. In this case, paralysis and softening of the brain existed.

The narrative of these cases came into my possession accidentally. It was stated, as I believe, as evidence of the existence of mental disorder, such as it describes, in a court of justice.

Several instances have occurred, within my own observation, of boys who were removed from school on account of a propensity to theft, to purloining money and other valuable articles from their schoolfellows, or from the houses where they lodged. In these cases there were circumstances which gave a strong suspicion of insanity. The act of stealing appeared to be without motive: some of the boys alluded to, were never forbid money that they wanted or could spend. There was something peculiar in the aspect of these youths, and they were eccentric in their habits, and some of them were the children of parents afflicted with insanity. In one case the propensity was hereditary. It is combined, however, with other defects of morality. One youth has been not only an incorrigible thief,

but addicted to falsehood and deception in every way, and apparently devoid of all perception of right or wrong. He has been placed under a vigilant surveillance in the house of a physician, who devotes his attention to the care of lunatics, and by the influence of careful moral discipline, judiciously administered, his character has become greatly improved, and his bad propensities are rarely displayed. The mother of this boy was a victim to mania or raving madness.

SECTION XV.

OF OTHER INSTANCES OF PROPENSITY TO ACTIONS CONSIDERED CRIMINAL, BUT SOMETIMES RESULTING FROM INSANITY.

Erotic or amorous madness is well known to medical writers, who have invented several terms to distinguish the varieties of this affection, such as erotomania, nymphomania, satyriasis. The facts connected with these disorders have never been fully analysed. This is not the proper opportunity for such an attempt, and I shall only touch upon the subject at present in order to suggest the proba-

bility that some anomalous moral phenomena, which seem to an ordinary person unaccountable, may be, in many instances, attributed to mental disease. Habits of excessive licentiousness, favour the developement of such disorders; in many cases, however, it may be proved that they are connected with physical causes, and with bodily disease.

This is well known in the instance of nymphomania and of satyriasis. The last-named affection has been known to display itself in lunatics, and especially in persons afflicted with severe epilepsy or epileptic delirium.

The following case has some bearing on a question of jurisprudence:—

A young man, previously of respectable character, became subject to severe epileptic fits, followed by attacks of acute mania, which lasted three or four days, and returned at uncertain intervals. These complaints, after a time disappeared, but left the patient irritable in temper, irascible and impetuous, liable to sudden bursts of rage, during which he became dangerous to persons who were near to him. The ordinary satyriasis of medical writers is no unfrequent accompaniment of a state like

that now described, but the diseased propensities of this individual displayed themselves in such a manner, that confinement in a lunatic asylum was the only preservation against criminal accusations of the most disgusting character.

There is scarcely any offence against public decorum that has not been frequently the result of mental disease. Some have thought that almost all such actions may be attributed to insanity; but I am afraid that many of the same considerations, to which I have adverted under the head of suicide, must prevent our resting satisfied with an opinion so indulgent to the depraved nature of man. The discrimination between effects of animal instinct, perverted by disease, and actions referable to the last degree of moral turpitude, cannot be aided by any general rules; it must be obtained by the consideration of circumstances, in particular cases. It is sufficient to have pointed out the general fact, that such phenomena are sometimes the result of insanity.

SECTION XVI.

HOW FAR, AND IN WHAT SENSE, INSANE PERSONS ARE IRRESPONSIBLE FOR CRIMES, AND INCAPABLE OF CIVIL ACTS.

Madness, properly so termed, obviously absolves from all guilt, in criminal cases. This is strongly laid down by English lawyers: "Furiosus non intelligit quod agit et animo et ratione caret; et non multum distat à brutis."* "A madman does not understand what he is doing, and wanting mind and reason, differs little from brutes." Lord Coke observed, that the execution of an offender is for example: "Ut pæna ad paucos, metus ad omnes perveniat; but so it is not when a madman is executed, but should be a miserable spectacle both against law, and of extreme inhumanity and cruelty, and can be no example to others." †

The French law is quite positive on this matter. By the 64th article of the Penal Code it is laid down, that there is no crime or offence when the accused was in the state of madness at the time of the action—"Il n'y a ni

* Bracton, lib. v. 420 b.

† Co. 3 Inst. 6.—Blackstone 4, ch. 2.

crime ni délit lorsque le prévenu était en état de démence au temps de l'action."

It is evident, that by the expression furor or madness, the old English lawyers contemplated insanity in an extreme sense, as constituting an entire loss, or suspension of intelligence.

Since the nature of Insanity has been somewhat better understood, many Jurists of different countries have maintained that some limitation is requisite with regard to the irresponsibility of lunatics. English lawyers, after Lord Hale, have observed the distinction of total and partial insanity, and it has been maintained that the existence of the former can alone afford immunity from the punishment of criminal actions. It has been laid down that there must be a "*defect of the understanding, unequivocal and plain, not the mere impulse of passion, or of idle frantic humour, or unaccountable mode of action, but an absolute dispossession of the free and natural agency of the human mind.*" *

"To excuse a man in the commission of a crime, he must, at the period when he committed the offence, have been wholly incapable of distinguishing between good and evil, or of

* Hale's P. C. c. 4. — 1 Hawk. P. C. c. 1. Collinson, 473.

comprehending the nature of what he was doing: a state of mind distinct from that which is merely unequal to the pursuit of a regular and continued line of conduct in the management of private affairs." *

It has even been determined in an English court, that in order to be excused for crime, on the ground of insanity, "a man must labour under such a deprivation of reason, as renders him as *senseless as a brute or an infant.*"†

Lord Hale, who established the distinction between Total and Partial Insanity, made an attempt to point out a sort of criterion. He observed, that "although the line which divides these two states is invisible and cannot be defined, yet the existence of one or the other of them must be collected from the circumstances of each particular case, duly to be weighed by the judge and jury, lest on the one hand, inhumanity be manifested towards the defects of human nature, and, on the other, too great an indulgence be given to the commission of great crimes." The best criterion he could think of is this :—" such a person as, labouring under melancholy distempers, hath

* Coll. 474.

† Arnold's Case, State Trial. Coll. 476.

yet ordinarily as great understanding, as ordinarily a child of fourteen years hath, is such a person as may be guilty of treason or felony."

This measure of the understanding might be in some manner applicable to the different degrees of imbecility, or mental weakness; but it would be impossible to refer to it any case of insanity, properly so termed, in which the powers of intellect are rather perverted and wrongly exercised, than obliterated or effaced. It would seem as if it were Lord Hale's opinion that madness, properly so termed, produced no irresponsibility for crimes. Few or none of those who have attempted or perpetrated homicide, and who have been determined by judges, either in England or elsewhere, to be of unsound mind, and therefore not punishable for such acts, could have escaped, if Lord Hale's precept had been followed. It must be confessed that the attempt made by this great jurist to lay down a rule for the guidance of opinions in such cases has completely failed.

Since the opinion became proverbial that Partial Insanity is strictly synonymous with what is now termed Monomania, and that in that disorder the mind is sane and unimpaired

in all particulars, beyond the sphere of one single delusion, endeavours have been made by writers on jurisprudence in different countries to furnish a more scientific distinction and to connect it with the definition of monomania. Thus Hoffbauer, a celebrated German writer, has observed that, in criminal law it is necessary to pay attention to the leading idea or delusion, and to inquire how far it may have exerted influence on the mind of the insane person, especially in cases of religious monomania, when the lunatic may have believed himself commanded by the Deity to commit some criminal action. No human punishment, he says, in such a case would be capable of restraining him from committing an act to which he was prompted by the greatest rewards, and impelled by the threatened punishments of a future life. This kind of insanity, according to Hoffbauer, excludes all responsibility for actions which are shewn to be in close relation to the particular delusive notion under which the monomaniac labours, but leaves him responsible in all other instances.*

* See Hoffbauer, (op. cit. 107). This writer has offered an ingenious suggestion in relation to the question under consideration. He says, " In regard to the acts of insane per-

In the legal proceedings which took place in France in relation to the cases of Léger, Feldtmann and other insane homicides above mentioned, the advocate-general adopted the distinction laid down by Lord Hale. In the published account of this trial we have the following statement.*

"The advocate-general goes on to examine whether any kind of madness ought to absolve from guilt, in which he explains the subject in a most luminous manner, and having laid down the

sons, the dominant impression in which their delusion consists ought to be regarded not as an error, but as truth; in other terms, their actions ought to be considered as if they had been committed under the circumstances under which the individual believed himself to act. A soldier at Brieg killed a child, believing that he saw the Deity at hand commanding him to perpetrate the deed. In his judgment on this case, Dr. Glanwitz ordered that the man should be confined in a mad-house. If the imaginary circumstances make no change as to the imputability of the crime, they have no effect on the case under consideration; if they lessen or destroy culpability, they have the same effect in the supposed instance."—See Hoffbauer loc. cit., also comments on this subject in M. Georget's Discussion Medico-Légale sur la Folie, p. 5.

* Examen médical des procès criminels des nommés Léger, Feldtmann, Lecouffe, Jean-Pierre et Papavoine, dans lesquels l'aliénation mentale a été invoquée comme moyen de défense, &c., Paris.

distinction between perfect and partial insanity, maintains and demonstrates that the latter can alone shelter the criminal from the punishment of the law. This distinction," he continues, "full of reason, as it has been set forth by the public officers, throws great light on questions of insanity, questions which some writers on physiology have attempted to answer in a manner as unfavourable to the accusation, as injurious to morality, and alarming to society. In order to render his argument complete, he has cited the opinions of Lord Hale in connection with this subject. "There is," says this writer, "first, a partial insanity of mind, and second, a total insanity." The former is either in respect to things, quoad hoc vel illud insaniro. Some persons that have a competent use of reason in respect of some subjects, are yet under a particular dementia in respect of some particular discourses, subjects, or applications; or else it is partial in respect of degrees, and this is the condition of very many, especially melancholy persons, who for the most part, discover their defect in excessive fear, and grief, and yet are not wholly destitute of the use of reason; and this partial insanity seems not to excuse them in the committing of any offence in the

matter capital, for doubtless most persons that are felons of themselves and others, are under a degree or partial insanity, when they commit these offences."*

"I am however obliged to admit that there is an important distinction between civil and criminal cases. In the former, when it is once proved that the reason of the individual is perverted, the law annuls his acts, though these acts have no relation to the circumstances which cause his madness, and which may influence his conduct. When however the question turns on the release of a criminal from the responsibility of his actions, and particularly for atrocious acts, we must not make application of this precept though incontestible in questions relative to property."

M. Georget, a very intelligent French physician and the author of several works on subjects connected with insanity has commented upon the doctrine laid down by Hoffbauer, and admitted by jurists. His observations on this subject are well worthy of consideration.

"These insane persons," he says, meaning those who labour under monomania, "though they may appear to be rational in most re-

* Hist. Placit. Cor. p. 30.

spects, will for the most part, be found to have committed a number of extravagant actions which render their seclusion from society necessary, and the most skilful physician could not venture to say that they would conduct themselves in a rational manner, or that they would not enter into engagements the most injurious to their interests, or commit the most reprehensible actions."

In the first place, the dominant illusion, on consideration of which several writers lay so much stress, is ever liable to change as to its subject. If you get rid of one chimæra, another takes its place, and thus particular illusions, however limited, may succeed each other without end. How then can it be decided, whether any particular act of a madman is in relation or not to the morbid impression which besets his mind ?

Secondly—Melancholy lunatics sometimes remain for years in a state of absolute silence or reserve, without suffering the secrets of their thoughts to be penetrated. A commissioner who was sent to Bicêtre, in order to set at liberty those individuals whom he should judge to have recovered a sane state of mind, examined an old vine-dresser, who in his

replies to questions, gave no indication of madness, and uttered no incoherent expression. The order was prepared, according to form, for his release, to which he had to set his signature, and he took the pen and wrote the name 'Christ.' He was found to labour under all the errors which such an hallucination might suggest. M. Esquirol attended a patient possessed of a good fortune, who had made several attempts to destroy himself; he would ask for a pistol to shoot himself, saying "I am tired of life." This person betrayed no illusions, he was generally cheerful. It was not till after *two years* that he confessed himself to labour under hallucination both of sight and hearing, and that he believed himself to be pursued by officers of the police: he saw and heard them, as he thought, through the apertures of his apartment, of which he asserted that the walls were made of panels so arranged that all he said and did might be perceived from without. Many melancholics are so silent and shut-up in their own thoughts, that it is only possible, after their recovery, to discover what were the illusions which had been impressed upon their minds.

Hence it appears that the dominant illusion

may be so concealed as to be undiscoverable. How then can it be determined what actions are in relation with it, and what other-wise?

Thirdly—It is chiefly owing to an altered state of the character, the sentiments, the affections, the inclinations, and the habits of insane persons, that they become dangerous to themselves, to their families, and to society. M. Esquirol observes that insane persons conceive an aversion against those who were most dear to them, revile, calumniate, and avoid them. "This moral alienation," says M. Esquirol, "is so constant, that it appears to form the essential character of insanity. There are lunatics whose delirium or illusion is scarcely discoverable, but there are none whose passions and moral affections are not disordered, perverted, or extinguished. I have met with no exception to this remark. A return of the moral affections to their natural state, a restoration of the former feelings and sentiments, and the disposition to resume old habits, while the converse had been the indication of approaching madness or of a state of relapse, is the sure harbinger of recovery." The inclination, the sentiments, the affections display, in all cases, some dis-

order; very often they are the first symptoms perceived of the approaching malady. Insane persons are indifferent to those whom they most loved. A mother will abandon, in madness, her infant; a husband his wife; love and attachment are replaced by indifference, jealousy, or hatred. The sentiments of affection and attachment which insane persons had entertained, previous to the commencement of their disorder, for their neighbours, their friends, or relations, are in almost all instances, replaced by profound oblivion or complete indifference, or even by aversion. These persons express towards some individual an exaggerated and unfounded distrust, towards others an unbounded and excessive confidence. In most cases of exclusive or partial mental illusion the persons affected are abstracted, absent, incapable of applying themselves to any occupation, or even of reading with attention; they either forget the objects of their strongest attachment, or if they think of them at all it is only to accuse them of injustice and cruelty on the most frivolous pretexts, or the most improbable suspicions. It is a remarkable fact, that many insane persons in confinement have

so little faculty of observation, and pay so little attention to what passes around them, as not even to become aware that they are surrounded by lunatics.

It may, on these grounds, easily be conceived that insane persons, whose unreason affects only one train of thought more or less restricted, yet labour in other respects under disorders of feeling which influence their conduct and their actions and behaviour, without materially affecting their judgment; and that many of such deranged persons, who often conduct themselves tolerably well in a lunatic asylum, and while living among strangers, with whom they have no relations and against whom they have no prejudices or imaginary reason of complaint, subjected besides to the rules of the house and to an authority that nobody attempts to dispute, would nevertheless, if restored to liberty and residing in the midst of their families, become insupportable, irritable at the slightest contradiction, abusive, impatient of the least remark on their conduct, and liable to be provoked by trifles to the most dangerous acts of violence. If under such circumstances a lunatic should commit any act

of injury, or serious damage to another, would it be just to punish him, because it cannot be made apparent that the action has any reference to or connection with the principal illusion which is known to cloud his judgement, it being apparent that his moral faculties have undergone a total morbid perversion?

The conclusion at which M. Georget arrives at the end of this train of observation, is the following: "That partial insanity or monomania excludes the idea of criminality or culpability, and takes away from the affected person all responsibility for his actions, whatever may be the nature and extent of the illusions under which he may labour.

Such is the view which M. Georget, one of the most profound and sagacious writers, who has engaged in the discussion of these questions, has taken of the case. The most important argument which he has brought to the support of his general conclusion, is the fact, that partial illusion of the understanding or monomania is generally accompanied by the state which I have described as constituting moral insanity. All that he has said upon this subject, will tend, I am persuaded, to confirm the

general observation that the attention of those who have hitherto investigated cases of insanity has been too much directed to the particular error which clouds the understanding, or to the disordered state of the intellect or judging and reasoning powers, whereas in reality it is of the moral state, the disposition, and habits of the individual concerned that the principal account ought to be taken. I have before remarked that if a man be found ever so eccentric or singular in his deportment, even though his eccentricity borders very closely on insanity and is not to be distinguished from it by any decisive characteristic, he ought not to be deprived of the exercise of his civil rights, if it should appear on inquiry that his eccentricity is perfectly harmless to himself and others. The same observation might be extended to persons of a similar description, who might be found, in addition to these suspicious circumstances, to betray some hallucination, though they would by it be placed in the general opinion more decidedly beyond the verge of sound mind and reason. If the hallucination is unaccompanied by moral insanity, or if the sort of peculiarity in habit and conduct, connected with it, is not such as renders the in-

dividual dangerous or offensive to society, there can be no just plea for confining a person who is eccentric, or of depriving him of the rights of a free agent and a citizen. Such cases are exceedingly rare, and to a great majority of the persons who come under the definition of monomaniacs and to a very considerable number of eccentric persons, especially those whose characters have not always been eccentric, but have become so at some given period of their lives, the observations of M. Georget, and the conclusion which he deduced from them may be applied with full and satisfactory conviction.

When it is discovered, as it will generally be found, after adequate investigation, that a person who labours under monomaniacal illusions labours also under the moral perversion above described, or that an individual who has no illusion is morally insane, and has undergone a change in his character and habits, which is the effect of disease, as this is a temporary state of mind, not the natural and habitual character of the person, and is, at least in many cases, likely to be transient and to terminate in the restoration of the original disposition, it is evident that such a person ought not to be left to his own guidance as to the exercise of civil

rights. He is very likely to execute acts the very reverse of what he would desire to have done during his sane moments, and he may be betrayed through morbid excitement of feeling and passion to acts quite alien from his natural character. Moral Insanity, meaning a perversion of the character and disposition resulting from disease, is then a full and sufficient ground for suspending the exercise of civil rights, and this whether it is accompanied by monomaniacal illusion or existing before, and without any discoverable lesion of the understanding. The existence of hallucination or illusion is a very important part of legal investigation in cases of insanity; but it is chiefly important in indicating a great probability that with such a phenomenon moral perversion co-exists.

In the instance of instinctive insanity or insane impulse to commit acts of violence and atrocity, to play the incendiary or to violate the good order and decency of social life, it is obvious that the only thing requiring much consideration is the real existence of the disease and its distinction from ordinary and real criminality. So soon as it is proved to exist, there can be no doubt that the person who is visited by this deplorable misfortune ought to

be effectually separated from society to prevent mischief to himself and others. Whether he ought in any case to undergo other punishment than this, is a question which I do not feel disposed to discuss. As we have seen that a struggle often has taken place between the desire to commit any violent act and the conscientious feelings of the unfortunate person who is thus tempted, it is probable that some have yielded to the temptation, though convinced that they ought to have resisted it. Such persons must be admitted to be morally guilty and to deserve to suffer. But the calamity with which we know them to be afflicted is already so great, that humanity forbids our entertaining the thought of adding to it. Perhaps all that we ought to aim at in such a case is to secure the community against the evils to which it may be exposed.

SECTION XVII.

OF INSANITY WITH LUCID INTERVALS—ECSTATIC MADNESS—LEGAL RELATIONS OF THEIR CONDITION.

It is of great importance, in relation to jurisprudence, to form a correct idea of the real

nature of lucid intervals. General opinion admits their existence in cases of insanity, and at one time they were considered, as we have seen, an essential feature of that disease, and even the characteristic which served to distinguish insanity from idiotism. If it is in the nature of insanity to undergo alternate periods during which the mind is disordered and again restored to a lucid and sound condition, it is most desirable that this fact should be established beyond contradiction, since it obviously leads to consequences of the utmost importance in the legal relations of the insane. The fact has heretofore been admitted as so notorious as to require no proof, but has lately been called in question.

A late American writer on the jurisprudence of insanity, who has collected a great mass of information relating to this disease, seems to deny the possibility of lucid intervals on the following grounds: He says, "if the mind of the lunatic be restored as sound as before the attack, it necessarily follows that the brain is equally restored, since in point of health they stand to each other in the relation of cause and effect. But as there is no proof that such is the case, and as the supposition is not supported by what we know of pathological ac-

tions, we have no right at present to conclude that the physical condition on which mania depends is entirely removed during the intermission."* This would be a strong objection against admitting the existence of the thing in question, on merely theoretical grounds, but the appeal is to matters of fact. The *probability* however is not so strongly against the existence of lucid intervals in insanity as this statement seems to indicate. In many other disorders affecting more or less the brain and nervous system or impeding the functions belonging to these parts, we know that although the organic disease is permanent, the phenomena are occasional and transitory. Many cases have been known in which persons have been subject to attacks of epilepsy, dependent, as it has been discovered after death, on tumors, tubercles or ossified bodies in the brain; yet such persons had undergone intervals of long duration, and while these continued, enjoyed perfect restoration of all the powers of the mind. A similar observation applies to many other disorders, as to intermittent fever, hysterical complaints, &c. The individual affected is at intervals to all appearance free

* A Treatise on the jurisprudence of insanity, by J. Ray, M.D.

from disorder, or the disorder ceases to display its manifestations, though the condition of the internal organs, which was the principal cause of the complaint, has continued to exist.

The authority of Mr. Haslam on this subject will carry greater weight since it appeals to experience. Mr. Haslam declares that "as a constant observer of this disease for more than twenty five years, he cannot affirm that the lunatics, with whom he had daily intercourse, have manifested 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 nor 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 not ascertain it to be in tune."

It is however established by general experience, that a great number of persons ac-

counted lunatics, have intervals of tranquillity, during which they are capable of rational conversation. The degree to which the mind recovers its powers, under these circumstances, is different in different cases. When the intervals are comparatively short the restoration is very imperfect. When they are of longer duration, the recovery, though but temporary, is greater in degree, and sometimes it leaves no discernible traces of disorder. This, however, does not continue to be the permanent tenour of the disorder if it has a very long duration. In this case the lucid intervals become gradually less complete.

The same observation applies to what is termed recurrent insanity. Recurrent insanity is a form of madness displaying lucid intervals of long duration. The complaint returns after a period of apparent recovery. In this disorder one attack leaves the patient only with a stronger predisposition to madness than he previously had. The morbid tendency appears increased after every renewed paroxysm.

The most trifling circumstances have, in these instances, sufficient influence to reproduce the morbid condition of the brain and of the mind. At length the patient is scarcely ever

in a sane state; the intervals lessen in duration, and become more and more imperfect in degree, until finally the disease is in a great measure permanent.

The proportion of cases in which madness is recurrent has been overrated. According to M. Pinel, in 71 cases out of 444 recoveries, relapse took place, or, rather, the disease was in those instances recurrent. This gives somewhat less than one-sixth of the whole number as recurrent; but the same writer allowed that out of the 71 cases 20 patients had previously relapsed, or had undergone several attacks, 16 had left the hospital at too early a period, 10 came afterwards under treatment and recovered without relapse, 14 had given themselves up to grief and intemperance, and several others were under circumstances unfavourable to continuance in health. M. Esquirol published a report af 2804 recoveries, in which number only 292 recurrences of disease took place, that is, a little more than one tenth. M. Desportes, however, has stated that in 1821, 52 recurrent cases were recognised at Bicêtre out of 311 admissions, that is, about 17 in 100; at the Salpêtrière in 554 admissions there were 66 relapses, about 15 in 100, or one

seventh. But in the proportion of recurrent cases indicated by this last report, it is probable that there were, as M. Georget has well observed, many cases which had been discharged in a state of incomplete recovery, as well as a considerable number of drunkards, who come habitually every year to spend a few weeks in Bicêtre or the Salpêtrière, having been picked up in the streets in a state of intoxication.

M. Esquirol, who may be considered as entirely a practical writer, or one who states his facts from personal observation, fully recognises the existence of insanity with lucid intervals and identifies it with what others have termed "recurrent," and with what he terms intermittent insanity. He says that "Intermittent madness is quotidian, tertian, quartan, monthly. Lastly the accession returns after several years. The intermission is sometimes regular, sometimes irregular: In the first case, the return of the season, and the same time of the year, the same physical and moral causes, will bring back a disease of the same character, the same crisis, the same duration. It is more often observed that the attacks return at uncertain intervals; they are occasioned by new causes, and do not produce the same form

of the disorder." "Recoveries," says the same writer, "are not to be relied upon unless they are marked by some perceptible crisis. When madness ceases suddenly, without the evidence of any critical change, there is reason to apprehend that we have under treatment a case of intermittent insanity."

ECSTATIC MADNESS.

There is a form of mental disorder of the phenomena of which I must take some notice before I terminate what I have to say on the subject of intermittent or recurrent insanity. In this affection the mind is, at particular periods, in a very remarkable state of which at other times no trace, however slight, seems to be left, and even the recollection of all that passed during the paroxysm has been found to have vanished at the moment when the individual emerges from it. The person appears to be in a sort of acting dream, which stops when he awakes to real life, but is renewed when he falls again into the state of ecstacy, resembling somnambulism. I shall relate some cases of this description, in order to elucidate my meaning.

A lady in New England, of respectable family, became subject to paroxysms of deli-

rium, which came on suddenly, and after continuing an indefinite time, went off as suddenly, leaving her mind perfectly rational. It often happened that when she was engaged in conversation, she would stop short in the midst of it, become in a moment delirious, and commence a conversation on some other subject not having the remotest connexion with the previous one; nor would she advert to that during her delirium. When she became natural again, she would pursue the same conversation in which she had been engaged during the lucid interval, beginning where she had left off. To such a degree was this carried, that she would complete an unfinished story or sentence, or even an unfinished word. When the next delirious paroxysms came on she would continue the conversation she had been pursuing in her preceding paroxysm; so that she appeared as a person might be supposed to do who had two souls, each occasionally dormant and occasionally active, and utterly ignorant of what the other was doing. It is evident, that although this affection is termed delirium, it was neither that state in the ordinary acceptation of terms, nor a form of madness, but one of coherent reverie.

We have no means of forming an opinion as to the state of mind which subsisted during the paroxysm in the succeeding cases.

An intelligent lady in the state of New York, undertook a piece of fine needlework, to which she devoted her time almost constantly for many days. Before its completion she became suddenly delirious, and she continued in that state about seven years. She said not a word during this time about her needle work, but on recovering suddenly from the affection, immediately inquired respecting it.

A farmer in New England, became dejected and melancholy under the impression that he had made an unwise sale of his property. He was preparing for the enclosure of a lot of land, and had begun with a beetle and wedges to split timber; at night he put his tools into a hollow tree and went home. Here he was seized with delirium which continued several years. He suddenly recovered, and the first question which he asked was, whether his sons had brought in the beetle and wedges? He appeared to be wholly unconscious of the lapse of time from the commencement of his attack. His sons avoided any explanation, and simply replied that they had been unable to find the

tools. He immediately rose from his bed, went into the fields where he had been at work a number of years before, and found the wedges and the rings of the beetle where he had left them, the beetle itself having mouldered away.

A case perhaps still more extraordinary than any of these is one which was related by Dr. Dyce, of Aberdeen. The particulars are as follows:—

The subject of this relation was a girl sixteen years of age, and the phenomena ceased when the uterine functions were established. The first symptom was a propensity to fall asleep in the evening: this was followed by the habit of talking on these occasions, but not incoherently, as sleep-talkers are wont to do. She repeated the occurrences of the day, and sang musical airs, sacred and profane. Falling one evening asleep she imagined herself to be going to Epsom races, placed herself on a kitchen stool, and rode into the room with a clattering noise. Afterwards she became able to answer questions put to her in this state without being awakened. The fits occurred more frequently, and came on at different times. She dressed the children of the family still "dead asleep,"

as her mistress termed her state, and once set in order a breakfast table with her eyes shut. Some of the phenomena of this case are astonishing, and would be almost incredible, if the testimony were not fully supported by the analogy of other facts. When taken to church she heard, and was affected by a sermon, particularly by an account of an execution of three young men, and of their progress in depravity, which was related by the preacher. On returning home, when questioned, after the fit had passed, she denied she had been at the church, but in a subsequent paroxysm, repeated the text and substance of the sermon.

The following fact is still more remarkable. Another young woman, a depraved fellow servant of the patient, understanding that she wholly forgot every transaction that occurred during the fit, clandestinely introduced a young man into the house, who treated her with the utmost rudeness, while her fellow servant stopped her breath with the bed clothes, and otherwise overpowered her; a vigorous resistance was made by her even while under the influence of her complaint. Next day she had not the slightest recollection of even that

transaction, nor did any person interested in her welfare know it for several days, till she was in one of her paroxysms, when she related the whole facts to her mother. Some particulars are given by Dr. Dyce, in Latin, and others were told him which he does not think it necessary at all to detail.

The laws of this and other countries consider insane persons responsible for actions done during lucid intervals, and capable of exercising civil rights, and that to the full extent. It would be difficult to draw a line of distinction, but it is questionable whether this doctrine is to the full extent in accordance with justice. The fact ought at least to be taken into the account in criminal cases, that lucid intervals are very often imperfect. The following observations of Dr. Combe are well worthy of consideration.

However calm and rational the patient may appear to be, during the lucid intervals, as they are called, and while enjoying the quietude of domestic society, or the limited range of a well regulated asylum, it must never be supposed that he is in as perfect possession of his senses as if he had never been ill. In ordinary circumstances, and under ordinary excitement,

his perceptions may be accurate, and his judgment perfectly sound, but a degree of irritability of brain remains behind, which renders him unable to withstand any unusual emotion, any sudden provocation, or any unexpected and pressing emergency. Were not this the case, it is manifest that he would not be more liable to a fresh paroxysm than if he had never been attacked. And the opposite is notoriously the fact, for relapses are always to be dreaded, not only after a lucid interval, but even after a perfect recovery. And it is but just, as well as proper, to keep this in mind, as it has too often happened that the lunatic has been visited with the heaviest responsibility for acts committed during such an interval, which previous to the first attack of the disease, he he would have shrunk from with horror.

These observations are undoubtedly well founded; they coincide with the experience of all who have had sufficient opportunities of becoming acquainted with the actual phenomena of madness. This ought to be borne in mind by those who are called upon to form an estimate of the responsibility of parties suspected to have committed offences during the lucid intervals of insanity.

From these, and similar considerations, it seems to be established beyond doubt, that although lunatics, having lucid intervals, are responsible for their acts committed during such intervals, and capable during the same of exercising civil rights, yet that both these admissions require some caution and discrimination. Lucid intervals are more frequently imperfect than complete. This ought to be kept in mind in all cases, and care ought to be exercised to discover as far as it can be done in each particular instance, how far recovery has actually gone, and to what extent the powers of the mind have been restored.

An attempt has been made by Hoffbauer to lay down a code of rules as a guide or criterion on this matter, which it will be worth while to consider.

"When mental disorder, affecting the judgment, is periodical, it seems that, during the lucid interval, the patient ought to preserve his capability of contracting engagements, and responsibility for his actions. But it would be absurd to generalize too much upon this opinion; for, although the patient enjoys in a lucid interval the clearness of his faculties, and he believes himself to perceive what only in

reality he does perceive, there may, nevertheless remain from the previous attack,—first, an inexact consciousness of his actual state, at least in regard to its connection with the past; secondly, some errors independent of himself, and which may have an influence over his present actions. But we shall go into the opposite extreme if we pay no attention to the lucid intervals, and if we consider actions committed during these intervals in the same light as those committed during the access of the disorder.

There are, indeed, lucid intervals in which it may be said that the patient only sleeps, and the duration of which is much shorter than the attack. There are others in which the duration is equal, and others again in which the lucid interval is much longer than the paroxysm.

During the lucid intervals, when the duration of the paroxysm is much longer than that interval, the patient seems to understand his present state in connection with actual circumstances, but not in connection with his previous state. He remembers his past life only in isolated fragments, and the consciousness that he has of himself is too incorrect to

allow his judging soundly of any thing except what actually passes before his eyes.

It is not thus when the attacks are short and far apart. In this case the patient is, during a lucid interval, in the position of a man, whose faculties are sound, and who can compare with the assistance of his memory, what he is at the present time with what he has been, although there exist in the recollection that he has of his life, many chasms, many things that he has forgotten, or of which he never had any knowledge. Such a person, who in the delirium of fever, remains many days without consciousness, recalls, as soon as he recovers, every thing that has preceded his illness, and knows very well how to connect it with what has passed since. Men forget, on waking, the dreams of the night, or rather they recognise the illusions of their dreams, and attach to the awakening thoughts the interrupted thread of the preceding day.

Accordingly in these long lucid intervals of which we speak, the lunatic can embrace, at a glance, his present state, and the greater part of his life; his actions are those of a sane man; there is nothing to oppose their validity, and nothing to weaken their culpability.

The question is more difficult when the duration of the attack is equal to the lucid intervals. If they are both very short, the disorder of the patient may be regarded as continuous, for there has not been time for him to recover himself completely ; and, besides, this rapid succession of the attacks and the lucid intervals, throws a doubt upon the very existence of these last.

As it is only for the welfare of lunatics that the laws prevent the legal consequences of their actions, it is clear, that no other important objection can be made to what we have endeavoured to establish.

There is some good sense in these remarks of Hoffbauer's, though his view of the subject is entirely a theoretical one, and a doctrine founded rather on abstract principles and probabilities than deduced from matters of fact. There may be instances in which these remarks may be adverted to with advantage.

In relation to civil acts, as to wills or testaments, the jurists of most countries have adopted a more simple method of coming to a conclusion respecting the real state of the mind in what is termed a lucid interval. Perhaps it ought rather to be said that acts which bear

the appearance of sanity have been regarded as affording by themselves sufficient proof of the rational state of the mind at the moment when these were executed, whatever may have been the condition of the executor before or after the particular moment of execution, and even in the absence of all extrinsic proof of his sanity at the time. We are told that the senate of Rome, upon this presumption of the sanity of a testator, confirmed a will made by a person in a state of insanity, because there was nothing unreasonable in the disposition which he had made of his property. They presumed that it was made in a lucid interval, and they forgot the certain madness of the testator in contemplating the good sense of the testament. It has been added to this observation, that, on a similar colour, the emperor Leo the philosopher, decided in his thirty-ninth novel, that the testament of an interdicted prodigal ought to be executed, provided it contained nothing unworthy of the character of a man of prudence.

This same principle has been acted upon in English courts; the nature of a will having been allowed to be evidence of the sanity of a testator who was supposed to have experienced a

lucid interval on this ground alone. In the case of Cartwright versus Cartwright, we have a strong exemplification of this remark. It will be worth while to advert to the particulars of this case.

The deceased, a single woman, made her will, which was contested on the ground of the insanity of the testator. "It was proved in general," said the court, "that her habit and condition of body, and her manner, for several months before the date of the will, was that of a person afflicted with many of the worst symptoms of that dreadful disease, and continued so certainly after making the will. It appears, from the evidence, that for some time previous to the date of the will, she was very importunate for the use of pen, ink, and paper; which however were withheld from her by the direction of her physician, Dr. Battie, who was eminent for his knowledge and treatment of mental disorders. Her importunity continuing, he at length consented, in order to quiet and pacify her, that she might have them; observing that it did not signify what she might write, as she was not fit to make a proper use of pen, ink, and paper. These being carried to her, her hands, which had been constantly tied,

were loosed, and she sat down to a bureau to write. Her attendants, who were watching her outside the door, saw her write on several pieces of paper in succession, which she tore up and threw into the grate, walking up and down the room in a wild and furious manner, and muttering to herself. After one or two hours spent in this manner, she finally succeeded in writing a will that suited her, though it occupied but a few lines. Such are the facts that have any bearing on the points at issue." It was decided by the court, Sir William Wynne, that she had a lucid interval while making the will, the validity of which was consequently established. The grounds of this decision were, that the will made a natural and consistent distribution of her property, and, in short, that it was a "rational act rationally done;" hence it was to be inferred, that her mind was visited by a lucid interval at the moment of making it. "For," says the court, "I think the strongest and best proof that can arise as to a lucid interval, is that which arises from the act itself; that I look upon as the thing to be first examined; and if it can be proved and established that it is a rational act rationally done, the whole case is proved."

The same doctrine has been laid down by Swinburne, "If a lunatic person, or one that is beside himself, at some times, but not continually, make his testament, and it is not known whether the same were made while he was of sound mind and memory, or no, then in case the testament be so conceived, as thereby no argument of phrensy or folly can be gathered, it is to be presumed that the same was made during the time of his calm and clear intermissions, and so the testament shall be adjudged good; yea, although it cannot be proved that the testator useth to have any clear and quiet intermissions at all yet nevertheless, I suppose that if the testament be wisely and orderly framed, the same ought to be accepted for a lawful instrument. So, on the other hand," he adds, "If there be any mixture of wisdom and folly, it is to be presumed that the same was made during the testator's phrensy, even if there be but one word sounding to folly."

Hoffbauer has made are mark on the capability of making wills, which tends to show that this right may be in some cases reserved, even though the person affected be incapable of other civil acts. He says, that "a will being

one act which the testator may perform deliberately, and after summoning up all his strength of intellect, at the most favourable time, does not require, in order that it may be correctly formed, the same integrity and vigour of mind as is needful for uncontrolled good conduct in the every day occurrences of life." In point of fact, there are very many persons accounted lunatics, and who are really dangerous during a greater part of their time, who yet have intellect enough for comprehending tolerably well their relations to other persons, or for disposing of their property. The chief difficulty arises from the morbid state of the feelings, and moral affections, which is almost universally present in this disease. On this doubt the evidence of the will itself is of the utmost importance.

I shall close what I have to say on this subject by citing the judicious conclusions of a writer whom I have more than once quoted.*

It has been admitted, that with certain reservations, the civil responsibilities of the insane are unimpaired during the lucid interval, because the mind is sufficiently restored to enable the individual to act with tolerable discretion

* Ray's Medical Jurisprudence of Insanity, p. 246.

in his civil relations. In respect to crimes, however, the matter is altogether different, for reasons that will be not without their force, we trust, to those who have attentively considered the preceding remarks. These reasons are, that the crimes which are alleged to have been committed in a lucid interval, are generally the result of the momentary excitement, produced by sudden provocations; that these provocations put an end to the temporary cure, by immediately reproducing that pathological condition of the brain, called irritation, and that this irritation is the essential cause of mental derangement, which absolves from all the legal consequences of crime. The conclusion is, therefore, that we ought never, perhaps, to convict for a crime committed during the lucid interval, because there is every probability that the individual was under the influence of that cerebral irritation, which makes a man insane. The difference between a person in the lucid interval and one who has never been insane, on which we particularly insist, is that, while in the latter provocations stimulate the passions to the highest degree of which they are capable in a state of health, though still more or less under his controul, they produce in the

former a pathological change, which deprives him of every thing like moral liberty. It is scarcely necessary to do more than barely to state these views, since their correctness seems to have been universally recognised in practice, not a single case having occurred, so far as I can ascertain, where a person has been convicted of crime committed during a lucid interval. Burdened as the criminal is with false principles on the subject of insanity, the time has gone by when juries will return a verdict of guilty against one who is admitted to have been insane within a short period of time before the criminal act with which he is charged.

SECTION XVIII.

OF IDIOTISM AND IMBECILITY.

There are few expressions which have undergone greater changes of meaning than "idiot," and "idiotism." The original meaning of the word "idiot," is, as every one knows, "a private man," or one who has not a public office; thence it came to signify a person in-

capable of such an employment, and a person of mean capacity.* In English law, "idiot" originally meant, any person by unsoundness of mind of whatever description, unable to take care of himself and his property, and to fulfil the ordinary duties of his station. The word "idiota," is joined in the oldest writs with "fatuus," and the definition is given "fatuus et idiota, ita quod regimini sui ipsius, terrarum, tenementorum et cattallorum suorum non sufficit." The officer to whom writs of inquisition, "de idiotâ inquirendo" were issued, was originally the escheator, or a person appointed to inquire what casual profits accrued to the king's estate, and he was directed to examine whether the person in question was "idiota et fatuus à nativitate suâ an alio tempore." If such person was found to have been an idiot, according to the definition, from his birth, the escheator was entitled, as it seems, to declare his lands forfeited to the king, and to take possession of them in the king's name.†

* In the time of Herodian ἰδιώτης meant "qui rei alicujus sit imperitus," as ἰδιώτης τῆς ἰατρικῆς, unskilled in medicine.

† According to the ancient law of England, such persons

The term idiot fell into disuse, partly owing to the very restricted sense that had been put upon it, which excluded many persons virtually incompetent to manage their affairs and requiring the guardianship of the law, and partly, as it would seem, owing to the notion that the

being incapable of military service, their lands and tenements were, during such incapability, forfeited to the king; but this appearing cruel and inhuman, it was determined by statute, that the king's possession was only in custody for the benefit and safety of the idiot and his estate. In a trial for trespass, "Quare clausum fregit," and cut his trees, in Paddington, in the county of Middlesex, brought by John Francis against William Holmes, the defendant pleaded that it was proved before the Escheator, in the said county of Middlesex, that the said John Francis was a lunatic, (meaning an idiot), wherefore the king seized his person and his land, and by his letters patent granted the rule, custody, and government of the insane person, and of his lands, to the said Holmes, quamdiu that the person was a lunatic, *to take the profits to his own use*, and so justified and prayed in aid of the king, and thereupon it was demurred to law if he should have aid or not. And it was adjudged that he should not have aid of the king, for this grant was utterly void, for the king is bound to keep the said lunatic, his wife, children, and household, with the profits of the land, without taking any thing for his own use, but all for the use of the "non compos mentis, and his family." Beversley's case. The third part of the Reports of Edward Coke, her Majesty's Attorney-general, 1738.

property of an idiot was liable to be escheated to the crown. The expression, "Non compos mentis," adopted as we have seen by Lyttleton, and approved by Lord Coke, was substituted. Non compotes were considered as divisible into the two classes of lunatics and idiots; but writs were generally issued under the form "de lunatico inquirendo," in cases both of madness and mental deficiency.

Idiotism, however, was never clearly defined, and restricted to its present meaning, till this was done by the late M. Esquirol, who pointed out the distinction between the fatuity of old age, or that which constitutes the last stage of inveterate madness, consisting in an obliteration of the mental faculties once existing in different degrees of vigour and perfection, and proper idiotism, or original weakness of intellect, or absence of mental faculties, which have never been displayed owing to some often imperceptible cause which has prevented the early developement of the brain.

Idiotism is distinguished by M. Esquirol from fatuity or mental decay, termed dementia; but it is included under one head with imbecility, or weakness of understanding. Imbecility and idiotism pass into each other; they

are only distinguishable as degrees of a similar defect. Imbecility is imperfect idiotism.

1.—TOTAL IDIOTISM.

Real idiots are often, when children, subject to scrofula, rickets, partial paralytic complaints, or to epilepsy. They are often deformed, their chests being narrow and contracted; their heads are either too large or too small, ill-formed, flattened laterally, or with depressed foreheads, their eyes blinking and deeply set; they have wide, gaping, deformed mouths; their lips are thick; their organs of sense imperfect; they see imperfectly, are deaf or hard of hearing, dumb or drawling and lisping in their speech; their taste and smell are also imperfect, and they eat without selection of food; their limbs are ill-formed, and their gait awkward and unsteady; their movements and attempts at muscular action of any kind are imperfect; their reflective faculties are still more imperfect than their powers of sensation; they are incapable of directing their attention to anything. Though sensations take place through the organs of sight and hearing, they are scarcely followed by any perception of objects: they have

scarcely any trace of memory, of judgement or imagination; their power of speech, if it exist at all, is extremely limited, and they are only capable of expressing the most urgent physical wants. Many idiots have even the instinctive faculties in a defective state, and appear to be far below the brutes in the scale of animal existence; for brute animals have in perfection all those impulses to action which are necessary for their individual well-being, and that of their tribe, and they are endowed by nature with powers adequate to the pursuit of the objects to which these impulses direct them. It is otherwise in both these respects with idiots, who, as a writer before cited has observed, are monsters or imperfect beings, who appear destined to a speedy extinction, if the tenderness of parents, or the compassion of others, did not interfere to prolong their existence. Yet idiots have the bodily appetites, and sexual desires; they are likewise subject to anger and rage. Congenital idiots have large heads, imperfect features, with difficulty take the breast, and have a feeble physical life; are long before their eyes follow the light, and they often squint. They are puny, lean, of bad complexion, incapable of instruction, do not

learn to walk before six or seven years of age, or sometimes not till they attain the age of puberty; they articulate imperfectly, and learn but a few words. There are some idiots who display faint glimmerings of intelligence; their attention is sometimes excited by impressions made upon their senses. "They appear to look at certain objects, and go to their food and take it; they come to know the persons who habitually take care of them; they indicate sometimes, by means of cries and gestures, the objects of their desires, and manifest the pleasure and pain which they experience: yet it is necessary to dress them, to put them to bed, and to place them where they are to remain." Idiots of a higher degree of developement are capable of moving themselves voluntarily from place to place. These individuals display very remarkable phenomena; they resemble, as M. Esquirol observes, machines made for the purpose of repeating over the same movements, and habit takes with them the place of understanding; they move their arms in a particular way, and as if to facilitate their progression; they laugh mechanically, and utter inarticulate sounds, as if to amuse themselves; some even are capable of catching tunes of a simple kind,

which they repeat; they become attached to particular places, and grumble, and appear ill at ease if they cannot get access to them, while to other modes of exertion they are quite incompetent.

"Custom or habit has a great influence on all their proceedings, and this gives to the manner of existence of some imbeciles an appearance of regularity, which might be mistaken for the results of steadiness or perseverance."

All, however, are deficient in powers of thought and of attention. Left to themselves, they are careless, slothful, filthy, lazy, timorous. At the period of puberty, they display the effects of animal instinct, in the most offensive gestures and habits. Some become subject to fits of capricious violence, to hysteric attacks, to nymphomania, or satyriasis: others grow dejected, melancholy, and sink under a gradual decay of physical health.

The best distinction between imbecile persons and absolute idiots, is that drawn by M. Georget. The imbecile, according to this definition, are persons who have some use, however limited, of speech, and who therewith display some indications of mind, of

intellectual faculties, and of feelings or affections; these individuals shew the same varieties of character and inclination, as persons of stronger understanding; the senses of some give rise to dull and feeble impressions, in others to more lively perceptions; the power of recollection is tolerably strong in some, in others scarcely existing, or it is confined in its range to the most ordinary and frequently repeated ideas. Some have a limited capability for particular actions, or a disposition to and some degree of facility in certain acts or performances, which they get through.

Perfect idiots are, as I have observed, lower in the scale of intelligence than brute animals. The latter have the instincts which are necessary for self-preservation. It is not so with respect to idiots. Some idiots have, however, a peculiar kind of action, which may be compared to instinct. Pinel and Esquirol have given an account of one who resembled a sheep, in her inclinations, manner of action, as well as in the shape of her head. This was a girl who died at the Salpétrière in 1805. She had a strong dislike to animal food, but ate greedily fruit and vegetables, and

drank only water. The only indication that she ever gave of feeling or emotion, either of pleasure or pain, was by crying bé, ma taté. She was accustomed to move her head with a sort of alternate contraction and extension of muscles, and to rub it against the body of her nurse. If she was inclined to resist or express discontent, it was an attempt to strike with the top of her head, which she held bent. She was very passionate; and M. Esquirol says, he has frequently seen her in a bath, making efforts to get out of it, and repeating with a shrill voice, bé, bé, bé. Her back, her loins, and shoulders, were covered with flexible and black hairs, one or two inches long. It was impossible to induce her to sit in a chair, or on a bench while taking her meals; when placed in a sitting posture, she slid down on the ground; and she slept on the ground, rolling up her limbs in the manner of animals. Her head, when she was eleven years old, was very small, and in all its dimensions less than the head of a child of seven years.*

Esquirol has observed, that the manner of

* Pinel, Traité de l'Aliénation Mentale, Paris, 1809, p. 179-475. Esquirol, op. cit. 2., p. 323.

existence of many idiots may be compared to vegetative life. There was at the Salpétrière, in 1812, an idiot, who was found lying in bed by the side of the body of its mother, who appeared to have been dead three days. This idiot, who was sent to the hospital by order of the police, was twenty-seven years of age, very thin, pale, ricketty, blind, deaf and dumb, uttering every now and then, a shrill, inarticulate cry. She could not walk, her limbs being contracted under the thighs; it was necessary to put some liquid nourishment into her mouth, down even to the œsophagus; she could neither masticate nor swallow; she was nourished with soup and wine, and she died at the expiration of a few days.

There died likewise, in the same hospital, in 1817, an idiot, twenty-five years of age, who was deaf, dumb, blind and ricketty; she could not lie on her back, on account of the malconformation of the spine, and she had not the instinct to change her position; and it was necessary to turn her from one side to the other from time to time. If she was put to sit, she had not the strength to remain, but fell back. When nourishment was put into her mouth, she would make a slight motion of her lips

and head, as if to avoid what was presented to her; and it was necessary to insert the spoon almost into the œsophagus, that the nourishment might fall into the stomach. Always squatting in bed, she loved to be covered, even in summer. If the covering was drawn off, she uttered a harsh cry, and attempted with her hand to replace it; but failing in the attempt, she ceased her endeavours, and remained rolled up on the bed. She pronounced imperfectly, but rarely, and without motive, the syllables mâ, mâ, particularly when she was touched. If she felt any one approaching her, she uttered a cry resembling the sound of a snappish dog; she cried out in the same way when any person began to put nourishment into her mouth.

2.—IMBECILITY.

The limits between imbecility and absolute idiotism, are vague and ill-defined. The estimate of mental weakness varies in the different classes of society and persons who would be accounted idiots, or nearly idiots, in the higher classes, pass without much observation on their deficiency under certain circum-

stances in the lower classes. It has been observed by M. Georget, that while a low degree of intelligence is sufficient for performing the humble duties of the rustic, or the daily labourer, deficiency is observed in only such persons who have not capacity to lead a horse, or drive a flock. It is generally thought that a cunning thief cannot be an idiot. "In the French hospitals for the insane," says the same writer, "there are a number of idiots, who, for a small salary, do all the dirty work of the house, or answer the purpose of servants, or go on errands for the clerks. They have just intellect enough to do these services, to clean the courts, carry burthens, move any machine, and perform any commission, to understand the use of money, and to procure themselves different pleasures; but these unfortunate persons do not know, or very imperfectly understand, what is due to society, the laws, morality, justice, &c. If they have any idea of property, they do not know the results of thieving; if they have learned not to do harm to any one, they are ignorant what will be done to them if they commit an act of arson or of homicide. It is said, that thieving is

very common among idiots and imbecile persons; and that is likely; some have no idea of property, of the "meum et tuum;" their desires, and the dread of punishment, if they are susceptible of such a feeling, are the only motives of their actions; others have some notion of property: but neither morality, nor the fear of justice, are motives sufficiently strong to prevent their taking possession of the property of others. They sometimes evince a great deal of cunning, but their other faculties are more or less obliterated.

"There are, among the lower classes, many imbecile persons, with a little more intelligence than the above-mentioned, but who have only vague and imperfect notions of social duties and justice, and who pass for being as it were disgraced by nature; these beings, of limited capacity, furnish to the courts of justice, to prisons and scaffolds, more subjects than it is generally supposed."

Idiotism and imbecility generally speaking are permanent, and improvement is not to be expected. But this relates only to idiotism and imbecility in a high degree; many persons who may be termed imbecile are susceptible of education to a considerable extent. There are

besides cases on record, in which, the brain having apparently undergone a favourable change, the mind has become developed, so that persons who had previously been considered as fools and idiots have become active members of society.

An idiot, as we have observed, according to the definition of English law, is a person who cannot number twenty, tell the days of the week, does not know his own father or mother, his own age, &c. Between this absolute idiotism and the degree of intelligence which is requisite in order that an individual may be competent to manage his own affairs and conduct himself with prudence and propriety, there are many intermediate grades. An attempt has been made by Hoffbauer, a German writer, already cited more than once in the preceding pages, to distinguish the various degrees of this mental imperfection, and to point out what particular stages of defective intelligence incapacitate a man for particular acts. There are persons who appear to be capable of certain civil acts but incapable of others. A man may require the interference of legal guardianship to protect his property who is yet not in a state to render confinement necessary. Another

may be able to understand the meaning of an oath or of giving evidence before a court of justice, who could hardly be fit to make a will or enter into a marriage contract. If all these gradations of defect could be defined and arranged by any intelligible scale, it might be advantageous, at least, as a sort of guide for reference in particular instances. Hoffbauer is, as far as I know, the only writer who has made an endeavour to supply this want. He has divided all the kinds and degrees of mental deficiency, and has described each kind and degree, and attempted to point out the distinguishing character of each. His scheme is in a great measure imaginary, and it is perhaps hardly applicable for any practical purpose. I shall only in this place say enough to give my readers a general idea of it. Those who are desirous of a more particular account will find a translation of all the material parts in my Treatise on Insanity, p. 356—370, together with the statement given by the same writer as to the various modifications which the several stages of weakness occasion in the exercise of civil rights and the moral responsibility of deficient persons.

Hoffbauer divides the various phases of men-

tal deficiency into two kinds, which he terms "Bloedsinn," imbecility, silliness, and "Dummheit," dullness or stupidity; one defect consisting in weakness of judgement or a want of the power of inward reflection and determination, and the other in a deficiency in the faculty of external observation. Such a variety of character reallyexists, and it constitutes one of the most remarkable kinds of difference between persons both of strong and weak minds. Some have the internal faculties, others the external, either by the original frame of the mind, or by the different developement afforded by circumstances of education, in different relative degrees. Weak persons, however, are generally defective in both these sorts of faculties. Some indeed have considerable capability of acquiring knowledge, particularly of languages, and such knowledge asimplies merely exercise of memory. Many can learn music, and I know one instance of considerable musical talent, even in composing, in a youth decidedly and manifestly imbecile. It is the reasoning faculty, and the power of judgement, and particularly reliance on their own judgement that in imbecile persons is most generally failing. Hoffbauer says that the imbecile or silly, differ from the merely

stupid in this, that the former is unconscious of his defect and even exaggerates it, whereas the latter imagines himself to be, at least, equal to other men. The truth of this last remark I very much doubt. Both classes of persons, if indeed these are distinguishable, are, if I am not mistaken, fully aware, in general, of their inferiority to others. It is however the condition of the imbecile that is most important in regard to civil relations. Imbecility is divided by Hoffbauer into five kinds or degrees. The last of these divisions, and I think the two last, are only referable to cases of fatuity or mental decay ; they do not answer to any modification of imbecility, properly so termed, nor do they describe the actual state of idiotism. I shall only cite the description of the three first degrees of imbecility.

The first degree of imbecility or silliness manifests itself in the incapability of forming a judgement respecting any new subject, even when the necessary data are furnished, and the question is one which in itself presents no difficulty; in this degree of the affection the individual can very well judge, respecting objects to which he is daily accustomed, and

in familiarity with which he may be said to have grown up; he often shows, in the pursuit of his daily concerns, a minute exactness which appears to him a matter of necessity. His memory is very limited, not that he absolutely loses the remembrance of things, but because he cannot apply his recollections according to his wishes. He scrupulously observes whatever he thinks becoming in his situation, because he fears to give offence in neglecting it. When he gives himself up to avarice there is observed in him rather an apprehension of losing, than a desire of accumulating. The propensity to talk alone, and the species of devotion to which we have alluded is seldom to be met with in this instance; the former because the routine of daily occupations above which the individual seldom raises himself, makes but small demands on his intelligence; the latter, because his infirmity is not so remarkable in ordinary society as to render it a subject of general observation, and entail upon him frequent annoyance, and thus make him feel the necessity of seeking support elsewhere. He is very subject to gusts of passion, which, nevertheless, are as easily appeased as they are excited.

In the second degree of imbecility, the patient still judges and acts consecutively with respect to subjects that are familiar to him, but even on these subjects it often happens that he is deceived, because through a distraction which is a second nature to him, he forgets places, time, and circumstances. He observes so little what takes place or what passes around him, that he often fancies himself in a different spot from that in which he really is, mistakes strangers for persons of his acquaintance, confounds the present with the past, but more often with the future, and believes himself at home when he is at the house of another person.

The individual affected with imbecility in the third degree, is unfit for all matters which require more than a mechanical mode of action, but he preserves sufficient intelligence to be aware of his weakness, and the superiority of others with respect to the mental faculties. We may likewise remark in him that propensity to devotion, and to misanthropy which we have mentioned above. His mind is not completely inactive, although it cannot raise itself to any high pitch, hence he has the propensity to talk to himself. He has not the power of seizing any idea so clearly as to impress it on

his mind, hence a very marked defect of memory, and a propensity to pass rapidly from one topic to another. He is very irritable and suspicious, fancies a design to insult him, when it is impossible, because his state yet permits him to feel and resent injuries, of which susceptibility those around him take advantage to his annoyance.

Hoffbauer attempts to apply these definitions to practical conclusions in the following manner :—

"In matters of criminal accusation all legal culpability is annulled when it is proved that the party labours under imbecility amounting to the third degree, or even nearly approaching it. Imbecility in the first and second degree may either annul or weaken culpability, or leave it unaffected under different circumstances. Ignorance of the law and of the illicit nature of actions may sometimes be alleged as excuses in criminal accusation in the instance of imbecility amounting to the first degree. But this plea can only be allowed to be valid under one of the two following conditions :—

"1. When the law which has been violated by the imbecile, neither forms part of general

relations which concern himself as well as other members of society, nor belongs to his own particular habits or circumstances.

"2. When the action forbidden by the legislator is not contrary to the law of nature, and therefore less obviously wrong.

"The second degree of imbecility may lessen or destroy culpability in cases in which the first degree leaves it entire.

"In the first degree of imbecility, inattention or absence of mind, want of foresight, &c., are not considered an excuse when they have regard to objects universally known, as to fire, or to those which are familiar in use to the imbecile, as the tools, &c. of his profession. In all other instances his fault loses the degree of culpability which belongs to it, according to the expression of jurists *in abstracto*. This is also the case when the act is the result, of sudden anger or *furor*, to which such persons are prone.

"The imbecile in the second degree has less responsibility than in the first. His incapacity is greater as likewise is his proneness to sudden emotions."

Hoffbauer afterwards divides stupidity into three degrees, and lays down similar observa-

tions respecting the negative efficiency of each in regard to rights and responsibility. These remarks may be seen in my Treatise on insanity.

If a new code of laws were to be framed for the regulation of the rights and responsibility of incompetent persons, it might be worth while to take Hoffbauer's scheme into consideration. English lawyers proceed in a quite different and more practical method, and in one which generally succeeds better, though the jurymen on whose decision everything rests are often defective in information, and would often be glad to avail themselves of a definite rule, did any such exist. The only thing positively laid down, is the rule suggested by Lord Hale, of which it is to be remarked that it is applicable to imbeciles, but not to insane persons properly so termed. It is that such a person as (notwithstanding melancholy distempers) "hath yet ordinarily as great understanding as ordinarily a child of 14 years hath," is responsible for criminal actions. Even this is held out only a sort of general approximation to truth, and the jury is called upon to judge in particular cases whether the parties were or were not of sufficient intelligence to imply moral responsibility,

a method more subservient to real justice than a strong adherence to any positive rule could be. In civil cases also similar principles are followed in English courts, the facts of each particular case having been investigated, common sense and sound judgement are exercised upon them, guided in some measure by former precedents and illustrated by the comments of the judge or commissioner.

When, after an investigation before a jury, the verdict of "unsound mind" is returned, which applies as well to an imbecile person, as to a lunatic, the care of his person and property is confided to tutors, or committees, appointed by the Lord Chancellor. In questions relating to wills very much depends, as we have before observed, upon the nature of the testamentary document, which affords the best test that can be imagined of the state and of the mind of the individual who makes it.*

It has been considered that marriages are valid when the contracting parties fully understand the nature of the contract, and this seems to be the equitable principle, though many inconvenient results might accrue from following

*Treatise on the Law of Executors and Administrators, by E. V. Williams, of Lincoln's Inn. Collinson, Lib. cit.

it. Of late years, however, marriages have been annulled, when general unsoundness of mind has been established, as in the celebrated case of the Earl of Portsmouth. The following instance affords an example of the invalidation of marriage, on the general ground of mental imbecility, though there was no particular proof that the imbecile person was not a voluntary agent; and so far as the contracting of marriage was concerned, not an intelligent agent.

"Miss Bagster was a young lady of fortune, and perpetrated a runaway match with Mr. Newton. An application was made by her family to dissolve the marriage, on the ground that she was of unsound mind. The facts urged against her before the commissioners were, that she had been a violent, self-willed, and passionate child; that this continued till she grew up: that she was totally ignorant of arithmetic, and therefore incapable of taking care of her property: that she had evinced a great fondness for matrimony, having engaged herself to several persons; and that, in many respects, she evinced little of the delicacy becoming her sex. Dr. Sutherland had visited her four times, and came to the conclusion that

she was incapable of taking care of herself, or her property. She had memory, but neither judgement, nor reasoning power. Dr. Gordon did not consider her capacity to exceed that of a child of seven years of age. Several non-medical witnesses, who had known her from her infancy, spoke of her extremely passionate, and occasionally indelicate conduct. On her examination, however, before the commissioners, her answers were pertinent and in a proper manner. No indelicate remark escaped from her. Drs. Morrison and Haslam had both visited her, and were disposed to consider her imbecile or idiotic. She confessed, and lamented her ignorance of arithmetic, but said that her grandfather sent excuses when she was at school, and begged that she might not be pressed. Her conversation generally impressed these gentlemen in a favourable manner as to her sanity. The jury brought in a verdict, that Miss Bagster had been of unsound mind since Nov. 1, 1830, and the marriage was consequently dissolved.

SECTION XIX.

OF FATUITY, OR DEMENTIA, OR DECAY OF THE MENTAL FACULTIES.

It is well known that a feebleness and gradual defect of the memory, and of the mental powers, in general, often accompanies old age.

This decay, in some instances, proceeds so far as to constitute a complete obliteration of the understanding, and all the faculties of the mind; though it more frequently stops short of such a state, and becomes what is termed "Second Childhood." The technical name given by physicians to this state is, "Senile Dementia." It is also well known, at least, to all medical practitioners, that a weakened state of the mind, similar to Senile Decay is, occasionally, the consequence of various disorders affecting the brain, such as long continued mania, or melancholia, or attack of apoplexy, or paralysis, or severe, and often repeated attacks of epilepsy, or typhoid fevers in which the brain has been much affected. In

all such instances there is, doubtless, disease, and generally organic disease, or an altered permanent condition of the brain. Even senile dementia is a morbid and not a natural state depending merely on the condition of advanced life, because it is by no means the universal, or even the general lot of those who attain extreme age. Many persons retain their faculties to the termination of their existence, however protracted, and in some families this decay, as it is the case also of other defects, that of hearing, sight, or of muscular exertion, is much more frequent than in others.

The decay of mind to which I have alluded, under whatever circumstances it arises, is termed by medical writers, dementia. It may quite as well be designated by the more common name of fatuity, which I shall venture to appropriate to it. This fatuity constitutes a particular kind of mental unsoundness, having characteristics which distinguish it from idiotism, imbecility, and all other forms of disorder in the mind. The distinction between this kind of mental disorder, and congenital weakness or imbecility, was first pointed out clearly by the late excellent M. Esquirol. He

refers to dementia or fatuity all those cases of defective or impaired intellect, which are the results of madness and other diseases, and are incident to persons originally possessed of mental faculties, and includes under idiotism, only those defects which are original or congenital. The imbecile, he observes, have never possessed the faculties of the understanding in a state sufficiently developed for the display of reason. The victim of dementia was once endowed with them, but has lost this possession. The former lives neither in the past nor the future; the latter has some thoughts of times past, reminiscences which excite in him occasional gleams of hope. Imbecile persons, in their habits and manner of existence, display the semblance of childhood; the conduct, the acts of the demented, preserve the characteristics of consistent age, and bear the impress derived from the anterior state of the individual. Idiots and cretins have never possessed memory, judgement, sentiments; scarcely do they present, in some instances, indications of the animal instincts, and their external conformation plainly indicates that they were not organised to be capable of thought.

I have observed in my work on Insanity,* that four stages of fatuity may be recognised, each of which is characterised by the loss of some important mental faculty. The first stage is indicated principally by forgetfulness or impaired memory, the understanding being otherwise sound; the second is the stage of unreason or incoherence, the reasoning power being greatly impaired or lost; the third stage is incomprehension, the mind being scarcely able to direct the attention sufficiently for comprehending a single proposition; the fourth stage is inappetency, or the loss of even the animal instincts and propensities.

I shall briefly describe the several stages or degrees of an affection which, in some instances goes not beyond the first, and does not even put on the features of the next stage.

First, The first step, that of forgetfulness and impaired memory, is the disorder particularly incidental to persons in advanced age, and termed Senile Dementia by late authors. This state is characterised by the momentary oblitera-

* Treatise on Insanity, and other disorders affecting the Mind. Lond. 8vo, Sherwood and Co.

tion of recent impressions, while the memory retains a comparatively firm hold of ideas laid up in its recesses from times long past; the power of reasoning within the sphere of distinct recollection is not remarkably impaired; and the faculty of judgment is exercised in a sound manner when the attention can be sufficiently roused. The disease which I term fatuity approaches most gradually and slowly when it comes on, as the accompaniment of old age: it is in such instances that its several degrees are most clearly recognised and distinguished. It is particularly in this modification of fatuity that the commencement and slow advances of the first stage can be most distinctly traced. It seems to begin with dullness of preception, or apprehension. The organs of sense are not so perfect in advanced age as in the more healthy and vigorous periods of life; sensation is not so acute, but it is rather in the subsequent recognition which the mind makes of the ideas presented to it, than is sensation itself, that the defect chiefly lies. Perception indeed takes place, but the impression is momentarily evanescent. The individual sees and hears, he replies to questions, but his attention is so

little excited that he speedily forgets what he has said, and repeats the same remark or inquiry after a few minutes. At the same time ideas long ago impressed upon the mind remain nearly in their original freshness, and are capable of being called up whenever the attention is directed towards them. Sensations produced by present objects are so slight, and the notions connected with them so confused and indistinct, that the individual affected scarcely knows where he is, yet he recognises, without difficulty, persons with whom he has long been acquainted; and if questioned respecting his former life, he will often give pertinent and sensible replies. The disorder of his mind consists, not in defective memory of the past, but in the incapacity for attention and for receiving the influence of present external agencies, which, in a different state of the cerebral organisation, would have produced a stronger effect upon the sensorium, or seat of sensation and perception. It has been said, that in senile decay the phenomena of fatuity in the first degree are most distinctly marked. Traits of the same description may, however, be observed in other cases of fa-

tuity. The memory of those who labour under this disease in the early stage, from whatever cause, and in whatever period of life it may have arisen, is like that of aged persons, more tenacious of long past than of recent events; the latter make so feeble an impression that it is speedily obliterated. In such persons all the powers of his mind are greatly weakened, they have no aptitude for any train of thought or action, and they are quite unable to fulfil the duties of their business or profession; they cannot combine a variety of considerations in order to arrive at any practical conclusion; cannot enter into any affairs of importance, or comprehend any continued conversation; all their discourse is marked by confusion of ideas.

Second Stage, Incoherence and Unreason.—The second stage of this complaint is characterised by a total loss of the reasoning faculty. The energy of the will over the train of thoughts is impaired to such a degree as to deprive the individual of all control over his associated ideas, and render him incapable of any effort of the mind, or of carrying on the series of thoughts to the end of a sentence or

proposition. He hears a question, apprehends sometimes its meaning, and attempts to answer, but before he has uttered the half of his reply, his mind becomes confused and bewildered; some accidental suggestion turns aside the currency of his ideas, which are too loosely associated to remain coherent, and his expressions become consequently absurd and irrelevant. It is sometimes easy to observe the point at which the intention of the speaker ceases to direct his words, and at which the ideas are drawn aside into a different course. The individual begins to talk of one thing, and before he has spoken half a minute he has wandered into subjects so remote from it, that some care is required to trace the links by which his thoughts have reached the point at which they are found. This degree of incoherence is generally to be observed as a prelude to a more severe and complete form which will next be described. Until the mind has passed into the more advanced stage, glimmerings of sense and reason are displayed, the individual affixes some meaning to his words, though he soon forgets it. The memory is not entirely lost, though much impaired, its defects resembling in kind

those of senile memory, but exceeding them in degree. Many individuals in this state know and remember their friends or relatives, but seldom display signs of emotion or sensibility on being visited by them. Not a few, even in this state, are capable of being employed in mechanical occupations. Females knit or sew, or perform any work with their hands, and men draw, or write letters or sentences, in which however their imbecility is generally conspicuous.

Third stage of fatuity: Incomprehension.—This stage of fatuity is very striking in its phenomena. The person affected by it is incapable of understanding the meaning of any question or proposition, however simple; and if he attempts any reply, it is remote from the subject, and irrelevant, so as plainly to indicate that the question has not been understood. This may be termed the instinctive stage of fatuity. Reason being entirely lost, and the instinctive or mechanical principles of action still remaining in vigour; the latter display themselves more remarkably. The fatuous person, in this degree, is the creature of instinct and habit. Bodily force and activity

survive, and are often remarkably displayed, and assume the appearance of trick or habit. Some jump or run to and fro, or walk round perpetually in a circle; some dance, and sing, and vociferate frequently. Many talk incessantly, in the most unmeaning jargon; others pass their time in muttering half sentences, or broken expressions, in which it is scarcely possible to discover any link or connexion, or if any association can be traced, it is of the most trivial kind, and depending on a word, or on some sensible object, which for a moment attracts a degree of attention. Many, on the other hand, sit in silence with a tranquil countenance sometimes with a vacant look or unmeaning stare, and scarcely pronounce a syllable for weeks, months, or even years. A few remain crouched in a particular posture, apparently uneasy and painful, but if placed in a different manner by those who have the care of them, they soon resume their habitual position. Many fatuous persons crowd round a stranger who happens to visit a lunatic asylum, having just enough intelligence to perceive something new; some have a propensity to adorn themselves in a strange manner; they take everything that

happens to be in their way, and append it to their dress.

Fourth Stage of Fatuity: Inappetency.—In this state even the animal instincts are lost. The miserable victim of disease has merely organic life and physical existence; he appears scarcely conscious of life, has neither desires nor aversions, and is unable to obey the calls of nature. Scarcely any exhibition of human suffering can be more deeply affecting than the aspect of a group of lunatics, reduced to the last stage of fatuity. Sometimes an individual may be seen standing erect and immovable, with his head and neck bent almost at right angles with his trunk: his eyes fixed upon the ground, never appearing, by any movement or gesture, to be conscious of external impressions, or even of his own existence. Another sits on a rocking-chair, which she agitates to and fro, and throws her limbs into the most uncouth positions, at the same time chanting or yelling a dissonant song, only capable of expressing a total inanity of ideas and feelings. Many sit constantly still, with their chins resting upon their breasts, their eyes and mouths half open, unconscious of

hunger or thirst, and almost destitute of the feelings which belong to merely physical life; they never rise or lie down, were they not placed in bed. A great proportion of the patients who are reduced to this degree of fatuity, are found to have lost the use of their limbs in a greater or less degree, by partial or general paralysis. This state is not, however, always uniform; some of them have comparatively lucid intervals, in which nature seems to make an effort to light up the mind, and recal lost impressions and ideas. A patient who had been several years in the same state, sitting all day in a wooden elbow chair, with his chin hanging over his breast, apparently hardly conscious of existence, who would not eat if food were not put into his mouth, appeared occasionally to rouse himself, and for a short time to recover an unusual degree of animation. At such periods, he would read a chapter in the bible, with a clear voice and distinct articulation. Such occasional variations in the state of demented persons, are not infrequent.

SECTION XX.

OF FATUITY, OR MENTAL DECAY, IN REGARD TO ITS LEGAL RESULTS.

The peculiarity last mentioned, or the fact that fatuous persons have occasionally intervals of a comparatively lucid state, is important with respect to the legal relations of persons affected with that disease. But in these intervals the state of the mind is only raised from one stage of the disease to another; the faculties are never restored to a sound condition, in which they can be exercised with vigour and self-possession.

It is obvious, that fatuity destroys all moral responsibility. It also deprives the person affected of the power of exercising civil rights.

Even the symptoms of the first stage, or the loss of memory, may exist to such a degree, as to render a man quite incompetent to make a will. I have seen a man whose disorder had not advanced beyond this degree, who was quite capable of replying to questions in

ordinary conversation, without immediately betraying his defect, yet had so far lost his memory, that the last twenty years were to him a complete blank, and he could not distinguish in his mind his children from his grand-children. This person remembered the events of his youth.

The character of this kind of fatuity will be illustrated by the following case :—

P. M., aged about seventy years, was in his youth a farmer, but changed that occupation for the business of a baker, which he followed until he had accumulated property sufficient for his maintenance. He has been living for several years in retirement, and without any regular employment. His memory is said to have undergone a gradual decay. When he is questioned about present objects and circumstances, he generally gives clear and distinct answers, but can seldom recollect what has occurred but a short time. In half an hour after he has been visited by his medical attendant, who is an intimate acquaintance, he will say if asked, that he has not seen him for several days. His recollection of persons whom he knew in the former periods of his life, and of

events which then happened to him is tolerably clear, but at times, and especially after sleep, he does not know where he is. He sometimes fancies, when awaking at night from a short sleep, that he is engaged in his former occupations. He then rises from bed and sets himself busily to prepare for lighting a fire in the oven, beats the walls, calls his men up, and asks if the faggots are ready. He cannot be persuaded that he is in ——— Street, and has nothing to do with the baking business. At other times he will get up in great haste to go down and see somebody who is waiting for him on business, or thinks that there is a horse standing for him at the door, calls for his clothes, and wonders that his friends are so tardy in assisting him. At these periods his state is not that of ordinary somnambulism. He sees and knows some, at least, of the persons who are about him, and will converse with them. He sometimes, during the daytime, wonders where he is, and does not know the place, although he has resided in the same home for many years; the hostess who is an old acquaintance, at length convinces him that he is at her home. When his recollection

is roused, and his thoughts are drawn into the right channel, he has a correct knowledge of persons, and shows not the slightest trace of maniacal illusions, or of anything approaching to the character of ordinary madness. He is glad to see his old friends, shakes hands with them in his wonted cordial manner, is on the best terms with his relations, and never displays the least deviation from the natural and habitual state of his feelings and affections.

THE END.

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