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OBSERVATIONS
ON
MENTAL ALIENATION,
AND THE
APPLICATION OF ITS PHENOMENA
TO THE
ILLUSTRATION OF SUBJECTS CONNECTED WITH
MEDICAL JURISPRUDENCE.

BY THOMAS Y. SIMONS, M. D.

*Extraordinary Member and formerly President of the Royal Physical Society
of Edinburgh; late President of the Charleston Medical Society
of Emulation; and Vice-President of the Medical
Society of South Carolina, &c. &c.*



The exercise of our intellectual faculties is the noblest prerogative of our nature.



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TO B. B. SIMONS, M. D.

MY DEAR SIR,

I cannot omit even this humble opportunity, of publicly expressing my respect for, and admiration of your great professional eminence, and the deep sense of obligation and gratitude, which I feel myself under to you, for your many acts of kindness and friendship. Wishing you continued health, and a long life of distinguished reputation and usefulness,

I am, most respectfully and truly,

THOMAS Y. SIMONS.



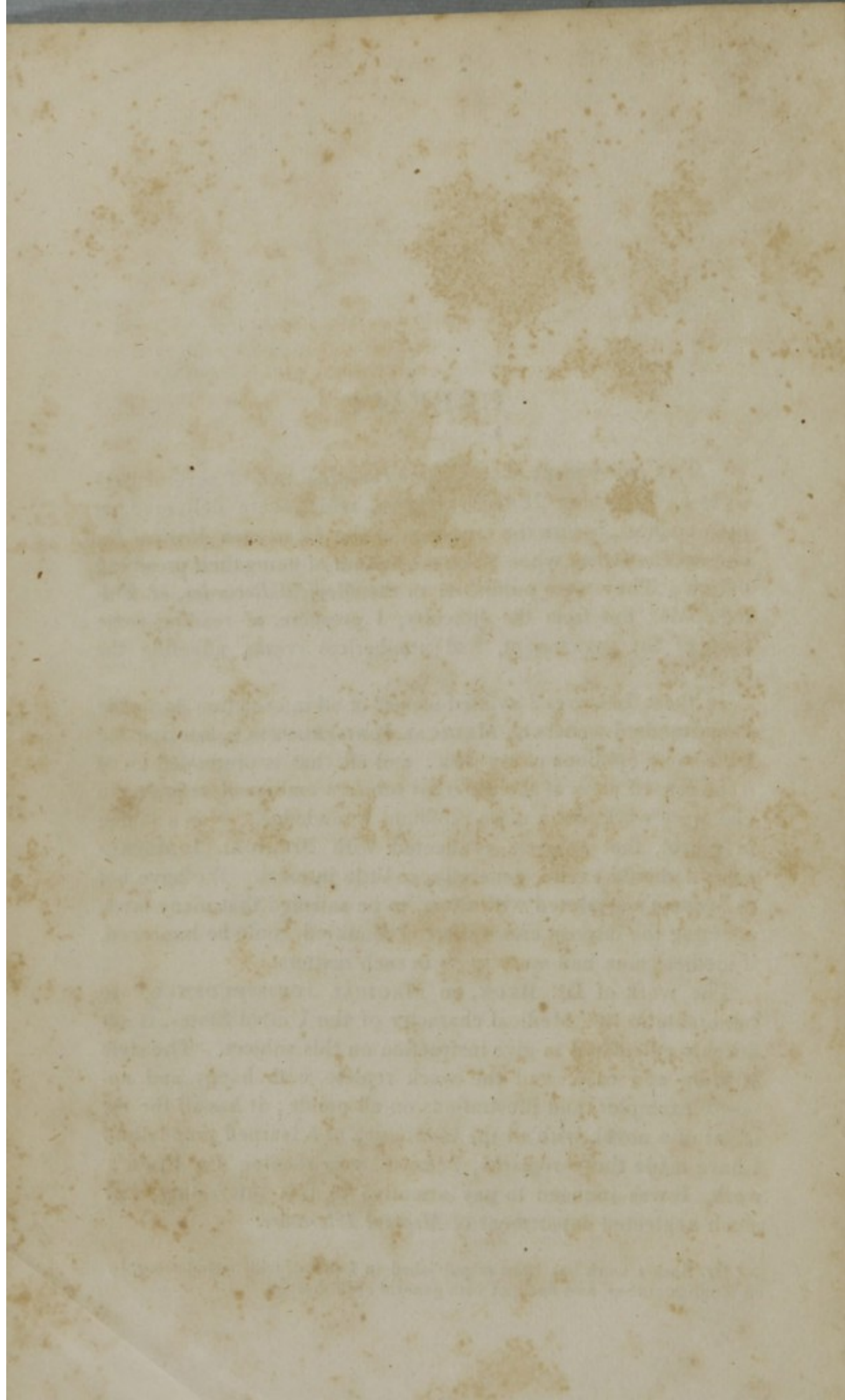
PREFACE.

THE subsequent observations comprise two of several Lectures on MEDICAL JURISPRUDENCE, which were delivered, at their request, before the members of the *Charleston Medical Society of Emulation*, when I had the honour of being their presiding officer. They were published in the *Medical Recorder*, of Philadelphia; but from the difficulty, I presume, of reading some parts of the manuscript, had numberless *errata*, affecting the sense.

In these Lectures I availed myself of all information derivable from standard writers on MEDICAL JURISPRUDENCE, interspersed with some opinions of my own; and all that is pretended to, is a condensed view of the different subjects embraced, referring to elaborate works for a more profound knowledge. It is a source of regret, that subjects connected with MEDICAL JURISPRUDENCE should excite, generally, so little interest. We have but to become acquainted with them, to be satisfied that many laws, affecting the interest and welfare of mankind, could be improved, if medical men had more to do in such matters.

The work of Dr. BECK, on MEDICAL JURISPRUDENCE,* so honorable to the Medical character of the United States, is admirably calculated to give instruction on this subject. The style is plain and easy, and the work replete with happy and apposite examples, and illustrations on all points; it has all the interest of a novel, with all the instruction of a learned production. I have made these remarks, because, from reading Dr. BECK's work, I was induced to pay attention to this interesting, but much neglected department of *Medical Literature*.

* Dr. Beck's work has been re-published in London, with annotations, by an English author, and has met with general approbation.



OBSERVATIONS, &c.

IN the subsequent observations I propose to consider the various phenomena of Mental Alienation, and the application of these to the illustration of questions coming before a civil tribunal.

In prosecuting these inquiries, I am far from believing that I shall add any thing to what is already known; but I trust I may draw attention to the consideration of the subject, and evince its importance, although questions connected with Medical Jurisprudence are but seldom attended to, or sufficiently estimated by the medical profession. The improved condition of Lunatic Asylums; the treatment which ~~the insane now receive~~ ^{the insane} kindness and humanity being substituted in all properly regulated institutions, for brutal violence, or solitary seclusion in dreary dungeons, enough of themselves to perpetuate the malady, and making a crime of this most terrible and afflicting dispensation of Providence; the improved medical treatment; the number, from these important changes, which have been restored to reason and society, all evince, in the strongest manner, the importance of the subject, and the happy consequences which have resulted from attending to it.*

It will likewise be found, as we proceed, that many cases, involving momentous consequences, will come before a Court, wherein the aid of the Physician will be required for the illustration of litigated points, and we will find, to discover where sanity ends and Mental Alienation begins, is oftentimes most perplexing, as well to the Physician as the Court. I shall,

First, Endeavour to explain the various phenomena of Mental Alienation.

Secondly, The legal opinions on Mental Alienation, and the means of distinguishing between real and feigned, or partial Alienation of mind.

Thirdly, Some practical questions, illustrative of points which come before a Court and Jury for decision.

FIRST. Endeavour to explain the various phenomena of Mental Alienation.

Mental Alienation embraces a wide field, including all those cases where the mind is incoherent or deficient in comprehending those plain facts which require the least exertion of the un-

* I read with regret, that in Italy the condition of these unhappy beings is in no manner alleviated, and I fear that Italy is not the only civilized portion of the globe where they suffer from neglect and inhumanity.

derstanding, either from natural or morbid imbecility, or morbid perversion of its faculties or operations, thereby being incapable of distinguishing between the right or wrong of certain principles which are generally admitted.

I have endeavoured, in this general definition, which, I am aware, is deficient, to comprehend every class of Mental Alienation, each of which I shall separately consider. It will be perceived, that according to this definition, the mind is supposed to have either lost, or had perverted its accustomed operations, or never had exercised the most common operations. It will be necessary, however, not to confound these with some of those slight aberrations, which sometimes take place in the strongest intellects, and which have been denominated the eccentricities of individuals. These eccentricities, however at variance with the ordinary habits of mankind, do not materially affect the operations of the mind; but arise, most frequently, from an abstraction from passing events, and intense reflection, producing what is called absence of mind. Every individual experiences this more or less, according as he is accustomed to think much. When, however, the mind, from continually revolving on one train of ideas, allows them to usurp supremacy, overcome the judgment, and impair the understanding generally, the individual then comes under the scope of Mental Alienation.

It is extremely difficult to ascertain the point at which the mind may be said to be unsound, and very serious as well as ludicrous mistakes have occurred. The people of Abdera believed Democritus mad, and invited Hippocrates over to cure him; but Hippocrates declared that not Democritus but the people of Abdera were mad.* Too much learning was said to have made the

* I presume to offer the following in a note as well illustrating some of the opinions advanced, although familiar to the learned reader. It is the invitation of the people of Abdera to Hippocrates to come over and cure Democritus: "Our city, Hippocrates, is in very great danger, together with that person, who we hoped would ever have been a great ornament and support to it. But now, O ye Gods! it is much to be feared, that we shall only be capable of envying others, since he, through extraordinary study and learning, by which he gained it, is fallen into sickness, so that it is much to be feared, that if Democritus become mad, our city will become desolate. For he has got to such a pitch, that he entirely forgets himself, watches day and night, laughs at all things, little and great, esteeming them as nothing, and spends his whole life in this frantic manner. One marries a wife, another trades, another pleads, another performs the office of a magistrate, goeth on an embassy, is chosen officer by the people, is put down, falls sick, is wounded, dies. He laughs at all these, observing some to look discontented, others pleased; moreover, he inquires what is done in the infernal places, and writes of them; he affirms the air to be full of images, and says he understands the language of birds. Rising in the night, he often sings to himself, and says that he sometimes travels to the infinity of things, and that there are innumerable Democrituses like him: thus, together with his mind, he destroyeth his body. These are the things which we fear, Hippocrates; these are the things which trouble us. Come,

apostle Paul mad, because, after having persecuted the Messiah, he became his strenuous apostle; a change of feeling and conduct which the Jews could ascribe alone to madness. All opinions which are in direct opposition to what we have generally received as correct, are regarded as emanating from disordered intellect, until reason, experience and facts, convince us that we, the people, are wrong. In some instances, where the positive truth never can be arrived at, we are apt, mutually, to consider each other a little disordered. Whenever, therefore, an individual is apparently absurd in mere matters of opinion, which do not affect what may be called the elementary principles of feeling and conduct, upon all cardinal and essential points, there is no reason to suppose that such opinions will lead to insanity. "There frequently exists an illusion," says a writer, "to particular things to which men of genius are sometimes subject, which leads them to indulge in eccentric whimsies and extravagant fancies, whilst on every other subject, their perceptions are clear, and their conclusions correct; instances of this kind abound in every treatise on insanity, and may be traced from the earliest periods of

therefore, quickly, and preserve us by your advice, and despise us not, for we are not inconsiderable; and if you restore him, you shall not fail either for money or fame. Though you prefer learning before wealth, yet accept of the latter, which shall be offered you in great abundance. If our city were all gold, we would give it to restore Democritus to health: we think our laws are sick, Hippocrates; come then, best of men, and cure a most excellent person. Thou wilt not come as a physician, but as a guardian of all Ionia, to encompass as with a sacred wall. Thou wilt not cure a man, but a city, a languishing senate, and prevent its dissolution; thus becoming our lawgiver, judge, magistrate and preserver. To this purpose we expect thee, Hippocrates; all these, if you come, you will be to us. It is not a single obscure city but all Greece, which beseecheth thee to preserve the body of wisdom. Imagine, that learning herself comes on this embassy to thee, begging that thou wilt free her from this danger. Wisdom is certainly allied to every one, but especially to us who dwell so near her. Know for certain, that the next age will own itself much obliged to thee, if thou desert not Democritus, for the truth which he is capable of communicating to all. Thou art allied to Esculapius by thy family, and by thy art; he is descended from the brother of Hercules, from whom came Abderas, whose name, as you have heard, our city bears; wherefore, even to him will the cure of Democritus be acceptable. Since, therefore, Hippocrates, you see a most excellent person falling into madness, and a whole people into distress, hasten we beseech you to us. It is strange that the exuberance of good should become a disease; that Democritus, by how much he excelled others in acuteness of wisdom, should so much the sooner fall into madness, while the ordinary unlearned people of Abdera enjoy their wits as formerly; and that even they, who were before esteemed foolish, should now be most capable of discerning the indisposition of the wisest person. Come, therefore, and bring along with you Esculapius, and Epione, the daughter of Hercules, and her children who went in the expedition against Troy; bring with you receipts and remedies against sickness: as the earth plentifully affords fruits, roots, herbs and flowers to cure madness, she can never do it more happily than now for the recovery of Democritus. Farewell." History tells us, that in place of curing a madman, Hippocrates received instruction from a philosopher.

history. Pythagoras believed that he had lived in prior ages, and inhabited different bodies, and that in the shape of Euphorbus he had assisted in the siege of Troy. Tasso fancied himself visited by a familiar spirit, with whom he conversed aloud. The hero of the celebrated romance of Cervantes exhibits a well drawn picture of this species of insanity; and, although in a less attractive form, how frequently do we recognise Don Quixotte in every rank and description of society? 'If,' says a celebrated writer, 'the circle in which this absurdity revolves is so small as to touch nobody, a man is then only what is called singular in that respect; but if its orbit is extended so as to run foul of other people, he is then called a madman.'"

Men who devote themselves to poetry, and works of fiction, become almost wholly abstracted from the realities of existence, and in soaring in imaginary regions, almost forget their individuality. The eccentricities, therefore, which they exhibit, are by no means extraordinary: always conversing with creatures and objects of their own making, it is not surprising that their views of many of the ordinary transactions of life are so unreasonable and absurd. It is important, therefore, for us, when examining the opinions of such writers, to discriminate between that which is, as it were, the mere effervescence of a morbid imagination, and that which is deducible from calm reflection and profound observation. I know no author who will illustrate so well my ideas as Rousseau. Possessed of a powerful and luxuriant imagination, the most common objects could, at once, be clothed in the most splendid and illusory forms. In every line we can trace the evidence of a great and predominant genius, but, likewise, of an intense morbid imagination. His opinions, for instance, where he attempts to convince us of the superiority of the natural over the civilized man, (his favourite dogma,) clearly demonstrate this. Immersed in the gloomy and filthy purlieus of an over-populated city, where all the worst passions and feelings of human nature were continually exhibited before him, and observing the depravities of a licentious and corrupt Court, he became disgusted with these realities, gave a loose to his imagination, and associated with savage or primitive life every thing that was virtuous, delightful and happy. Their insatiable revenge and deadly animosities were all forgotten, and the poet thought of nothing but elysian fields, ease, quiet, and ignorance of vice and deceit. He gave a positive enjoyment, if I may so express myself, to a negative; he supposed them capable of estimating all the exquisite pleasures of refined sensibilities, without any of the jarrings or collisions which occur in civilized life. Had he, however, been compelled to live among them, his visionary day-dreams would have been quickly dispelled. He would have found, that if they had few cares they had fewer enjoyments;

and that all the splendour of his genius would have been unfelt and unobserved, and he regarded with indifference and contempt. In short, the productions of Rousseau, however they may have astonished and excited the admiration of many, must be considered only as splendid rhapsodies. In every department of mind we will observe how the imagination usurps domination over reason and reflection, and continually some master genius gains an ascendancy over ordinary minds, collects around him innumerable disciples to his dogmas, who either do not, or cannot dispassionately analyze their truth. In this manner a prejudicial influence is often exerted upon individuals, and upon nations, by the promulgation of doctrines false in their nature, and dangerous in their consequences. What an extensive influence do works of the imagination frequently have upon the conduct and happiness of individuals, and how many erroneous and false impressions are thereby created? The enthusiast invariably converts these airy fabrics of the imagination into realities; and that which should be regarded as the effect of a morbid mind, has been frequently extolled as magnanimous, and from constantly viewing it through a false and delusive medium, becomes, ultimately, to be regarded as a settled position. In exemplification of this, I refer to the practice of self-murder, so openly committed by some of the most distinguished of the Greeks and Romans, and which some moderns have applauded as magnanimous.* The opinions on this point are wholly made up from the influence of the imagination, and are only supported in strains of poetry or declamation.

In a moral point of view, it is important to attend to this subject. False notions and opinions thus imperceptibly take possession of and influence the conduct of individuals and communities. In this manner great crimes have been committed, which the perpetrators have regarded as magnanimous and praiseworthy: as, for instance, the death of Cæsar by the hand of his friend Brutus; of Henry IV. by Ravaillac; and the unfortunate Kotzebue, in our days, by an infatuated German student. Thus, likewise, tremendous convulsions are produced in countries. Beginning with truths, and claims to unquestionable rights, designing demagogues, having once aroused the people, and finding the operation of reason unsuitable to their purpose, address the imagination and passions, disseminate among them doctrines and opinions suitable to the attainment of their ends, and awaken those terrible excitements which have terminated in the wreck of empires and the sacrifice of millions of human beings.

Does not history demonstrate to us, that no dogma was too extravagant to be believed and imitated, if given out with an air of

* Cato committed self-murder, and Addison, who called himself a religious Christian, eulogized him.

philosophy? Have we not wondered at the many, to us, extraordinary absurdities of the ancient philosophers; of the necromancy of the astrologers; the delusions of alchemy; the farcical, nay, almost mad subtleties of some metaphysicians, especially, such as believed, or pretended not to believe in the existence of matter; of the ridiculous follies of chivalry, and the more awful effects of duelling which followed; of the numberless sects which have arisen among Christians, with feelings towards each other repugnant to Christian charity, and directly contradictory in opinions: and all these things produced by the predominating genius and ascendancy of a few individuals.

Mankind are prone to delusion, and it is not to be wondered at, that some few, by certain powerfully exciting causes, have a total intellectual derangement.

I have made these preliminary remarks before entering upon the consideration of Actual Insanity, believing them not wholly irrelevant to our subject. I will now consider the various kinds of Mental Alienation.

INSANITY.

Insanity may be regarded as a total or partial perversion of the intellects, wherein the concatenation of ideas or train of thought is broken; thus, as in dreams, producing those strange and incongruous combinations of ideas which are repugnant to reason or reflection. Where the judgment becomes wholly impaired, although the operations of the mind are either partially or wholly perverted, the insane cannot always be said to have lost their reasoning power; for they often reason with extreme ingenuity: but they are in every case deficient in judgment, and reason on false premises. There are, however, many sane persons who commit this error. Most generally, the imagination usurps predominant sway, and with its impetuosity overwhelms the calm operations of reason and reflection. Hence it has been said, that the *septum* between the man of great genius, who is, of course, possessed of great imaginative power, and the insane, is very slender; and should the imagination usurp the mastery, the balance of the intellectual powers becomes lost, and like a ship in a tumultuous ocean, without helm or guide, he is tossed to and fro by every emotion or passion.

Insanity assumes a variety of aspects, according to the cause or causes which have produced it, and the character and temperament of the individual. Some are gay and seemingly happy; pleasing anticipations and feelings are continually flitting before them. They imagine themselves kings, or other great men, and assume all the importance of their supposed station. Some are delighted with flowers and gewgaws. Some, furious and revengeful;

while others, silent and moody, drag out a miserable existence of mental anguish. In one respect they are, however, (whatever may be their shades of difference,) alike, viz. they have an incoherency of conception, and incongruous ideas on all, or some subject, which may be the cause of their malady. It has been believed by some, that the insane are all miserable, and that they resort to the various tricks which they exhibit, to drive away their terrible anguish of mind.* Of this I shall not pretend to judge. They are frequently seen laughing, screaming, and occupied in a variety of extravagancies. The insane are almost all particularly fond of ardent spirits and tobacco. I have seen many who were previously silent and gloomy, become lively and loquacious as soon as tobacco was given them, or they were promised ardent spirits. We will, in the progress of our inquiries, discover, that the insane are suspicious, cunning, alive to injury, and quick in avenging it.

The physical peculiarities of the insane are, great torpor of the alimentary canal, arising, no doubt, from the atony of the chylo-poetic viscera, produced, probably, by a primary derangement of the appropriate nerves of these viscera. It frequently requires large doses of medicine to produce an action. The skin is generally swarthy and dry. Dr. Haslam has remarked, that of two hundred and sixty-five patients under his care, two hundred and five were swarthy, with black hair; the remaining sixty were fair skin and light brown or red haired. The arterial action is generally increased, and Dr. Rush tells us, that the secretion of the nose is stopped. Two thirds of the maniacs in the Pennsylvania Hospital exhibited this peculiarity.

Insanity is divided into various grades, which shall be separately explained.

Mania.—Maniacs have all the operations of the mind perverted; reason and judgment are overcome by the intense and powerful action of the passions. The sensual assumes the supremacy over the intellectual, and the depravities of our nature are exhibited in

* "The tearing of clothes," says Dr. Rush, "so common in this disease, was one of the instituted signs of deep distress among the Jews, and it was so, probably, from its being one of its natural signs among the nations of the East. The hallooing, the stamping with the feet, and the rattling of chains, so frequently practised by mad people, are all resorted to, in order to excite such counter impressions upon their ears, as shall suspend or overcome, by their force, the anguish of their minds. They wound and mangle their bodies for the same purpose. Even in those solitary cases of general madness, which are accompanied with singing and laughter, there is good reason to believe the heart is depressed with sadness. Nor are the silence and seeming apathy of *manalgia*, always signs of the absence of misery. 'The willow weeps,' says the poet, 'but cannot feel; the torpid maniac feels, but cannot weep.' I have heard one insane person, who had recovered, declare his sufferings and apprehensions from imaginary evils, were infinitely greater than any real evils could possibly have made him."

their most degrading and appalling forms. Those who, when sane, are moral and religious, when maniacal, become blasphemous and licentious; at once evincing the loss of reason and the domination of the passions. Maniacs are influenced by sudden alternations of feeling, which are always intense. Thus love, hate, revenge, are portrayed in all their ardour, or all their horrors.

The countenances of maniacs strongly denote their malady. Their eyes, which are the first of the organs of sense that give evidence of the approaching paroxysm, suddenly kindle up, become wild, penetrating, and flash with fury; an index of the terrible emotions and passions which are raging within. The whole of the organs of sense seem to be perverted; they appear to be unaffected by the most violent noise or offensive effluvia, and are inattentive, generally, to external impressions; their appetites and tastes are completely vitiated; they seem indifferent to hunger or cold, and their long watchfulness, at times, almost exceeds credibility; every thing seems engulfed in the raging fury of the passions. The whole of these symptoms are not observable in every maniac.

Melancholia.—Here the unhappy victim, the object of pity, and the solemn and feeling lesson of self-humiliation to all of us, however strong or clear our intellects, exhibits signs diametrically opposite. The melancholic is generally silent and abstracted, dreading the vengeance of mankind, and believing the whole or a portion of his fellow beings arrayed against him. Instead of committing aggressions, he is fearful of aggressions; and if ever he becomes an aggressor, it is under the influence of the hallucination that he was acting in self-defence against an attack. In this manner the melancholic madman is extremely dangerous, and whenever his mind is impressed with the idea of oppression from some particular individual, however apparently calm in other respects, he should be carefully watched. This class of insane persons frequently conduct themselves so well as to induce us to believe them sane, when they are far from being so. The cessation or diminution of the paroxysm has been, by many, called a lucid interval, a term which we will have, in another place, to consider.

The melancholic has his attention principally directed to things of the world, and is generally fearful of a conspiracy against himself; he is, therefore, extremely suspicious, and questions the character and motives of every one. He is a greater enemy to himself than his fellow beings, but believes them to be his enemies, and the cause of his distress. Hence these unfortunate beings frequently commit suicide under the apprehension of poverty, or being the objects of revenge or hate. The following case, given by the brother of the person affected, well illustrates this

disorder.* "My poor brother," says the writer, "seems to have fallen a victim to a morbidly keen sensibility, aggravated by disappointments. The natural delicacy of his own feelings had created in him the tenderest regard for those of others; indeed, he would not have injured the meanest reptile. In all his transactions he was scrupulously conscientious, and as the superintendant of an extensive manufacturing concern, he had displayed great intelligence, mental energy and activity. The few hours which he could snatch from business, were devoted to literature, philosophy, and science, especially mathematical science, and metaphysics. Being on a visit to London, some years before his death, he complained, severely, of having experienced neglect from those who ought to have been his friends, and spoke of private enemies; but no irrational sentiment escaped him, except, perhaps, his avowal, that having been all his life incredulous on the subject of supernatural appearances, he at last fully believed, from ocular demonstration, in evil spirits and apparitions. On his return to the metropolis, two years afterwards, he strongly and anxiously asserted the existence of a foul conspiracy, extensively ramified, against his reputation and happiness; almost every person with whom he had the least intercourse was a conspirator, and even the passengers in the street were agents or abettors. He could not enter a house without meeting a foe; and at all hours of the day and night he was annoyed in his apartments, which he was obliged to change seven or eight times in the course of a few months. He had frequent quarrels with strangers, who were constantly assailing him, as he fancied, with taunting gestures and language. His character, conduct and motives were so malignantly impugned, that he found it expedient to show his own sense of his integrity, by adopting the motto—'*Mens conscia recti*,' and having it engraved on his seal. If he proposed an excursion to any part of the environs of London, he was compelled to relinquish his design in consequence of his indefatigable persecutors having become acquainted with his intention; and from every place of public resort he was debarred by their malicious interference. He expressed a desire to consult the late Dr. Colquhoun, the magistrate, and Sir Samuel Romilly, as men of virtue and discernment; but finding the odium against him to have assumed a national character, he secretly embarked for America! So little apparent was his malady, that he obtained a respectable situation in New York. Thither, however, he was pursued by the 'gang,' the 'infernal crew,' and he re-crossed the Atlantic and returned to —shire, where, in 1820, nature sunk exhausted, according to his own prediction, that his case must terminate fatally. During the whole progress of his disease, his

* See Dr. Gordon Smith's work on Forensic Medicine.

reasoning faculties remained unimpaired. He conversed agreeably on a variety of subjects; and could argue ingeniously, forcibly and correctly. *With reference to himself, while he admitted the improbability of such a system of persecution, a priori, he maintained the impossibility of resisting the strongest of all evidence, that of the senses. 'What I see and hear must be true.'*"

In this case we see how an illusion can overcome all other operations of the mind, although strong. Another instance of *melancholia* was in the celebrated poet Cowper: some of whose poems exhibit the most exquisite specimens of the ludicrous in human nature, and abound in wit and satire. Yet the author of "John Gilpin," and "The Task," was an unhappy victim of *melancholia*, and was, at times, completely deranged.

Hypochondriasm.—This disorder is very apt to be confounded with *melancholia*; a mistake resulting from which might be of the most serious consequence: for, to act towards a hypochondriac as if he were a melancholic, might so exasperate him as to produce that disorder; the transition from the one to the other not being so uncommon. I shall, therefore, give the distinctive characteristics of these affections of the mind.

In *melancholia* the mind is always directed to, and employed in the objects of the world; such as property, or dread of the animosities of others, (as has been already shown,) and the physical health or convenience is disregarded and neglected. In *hypochondria*, on the other hand, the mind is always resting on the physical derangements of the system, and is inattentive to, and regardless of the cares and anxieties of the world. The melancholic dreads—the hypochondriac despises the world. The melancholic frequently seeks self-destruction; the hypochondriac always self-preservation. These distinctive marks I conceive important to be borne in mind.

Hypochondriacs, although performing the ordinary duties of life exceedingly well, and sometimes exercising most important and responsible duties, have notions and conceits most strange, and sometimes most ludicrous. Some imagine themselves teapots, glass bottles, clocks, &c. &c. and similar ridiculous notions have got a temporary mastery over them, although the operations of the mind are otherwise strong, and the powers of ratiocination perfectly clear and comprehensive. What is singular, it most frequently happens that the most learned and intelligent are affected with this grievous disorder. A very learned man fancied himself a grain of corn, and was afraid the fowls or hogs would pick him up; yet, while labouring under this miserable delusion, he would discuss an abstruse question of metaphysics with force and perspicuity. Another fancied himself a clock, and made his arm the pendulum, and continued keeping time. Others have fancied themselves bottles, and were afraid to sit down, lest they

should be crushed to pieces. All of these persons complain of being in bad bodily health, and are always using remedial agents. Their seeming health and strength of intellect associated with such absurd notions and conduct, excite, most generally, contempt and ridicule; but they are more frequently deserving our sympathy, for their conceits carry with them a misery almost insupportable; and independent of this, they are always suffering under a derangement of the digestive organs, which, although not sufficiently extensive to prevent the ordinary actions of the system from going on, is yet sufficient to produce much inconvenience and much misery. Nothing is more apt to injure the temper or affect the mind, than the deranged state of the digestive organs; and there are more cases of this disorder than is generally imagined. The symptoms are frequently obscure, and the effects of this disorder are constantly mistaken for other affections. I shall close my remarks on *hypochondriasis* with the following observations of Dr. Cullen.

"*Hypochondriasis* I would consider," says this great physician, "as always attended with dyspeptic symptoms; and though there may be an anxious melancholic fear arising from the symptoms, yet while this fear is only a mistaken judgment with respect to the person's own health, and to the danger from thence to be apprehended as distinct from the proper *melancholia*; but when an anxious hended, I would still consider the disease as a *hypochondriasis*, fear and despondency arise from a mistaken judgment with respect to other circumstances than those of health; and more especially when the person is at the same time without any dyspeptic symptoms, every one will readily allow this to be a disease widely different from either *dyspepsia* or *hypochondriasis*."

Mono-mania.—This is where the mind is unsound on one particular point, although the individual is rational on every other subject; for example, one man believed his soul was annihilated by the Almighty, and no power could save him from eternal ruin; he was yet, in other respects, well enough. Another man fancied himself Jesus Christ. A third believed he was to be crushed like Sampson, by the fall of the building he was in, which was prevented only by his placing his shoulder against the pillar, and nothing could induce him to quit his position until overcome by sleep. I knew a lady who fancied her relations had defrauded her out of property, and on this point was outrageous, although her suspicions were groundless, while, on all other matters, she was discreet and sensible. In the course of these inquiries, cases will be particularly introduced, evincing the difficulty of detecting this modified form of Insanity, when under judicial investigation, and how much perplexity it has created in a Court, to decide, as well as a physician to prove, the existence of *mental malady*; for persons of this kind, on other points, are

sometimes extremely rational, and it is very difficult to detect the malady, unless the subject, upon which the mind is insane, be touched upon.

Mono-mania is sometimes confounded with *melancholia* and *hypochondriasis*, the differences between which I will endeavour to point out.

1st. *Mania* is a total hallucination on all subjects, or a total perversion of the intellectual faculties, accompanied with furor.

2d. *Melancholia* is a total or partial hallucination, accompanied with extreme dejection, fear, and false apprehensions.

3d. *Mono-mania* is a false reasoning or conception on one subject, which, when it completely overcomes the other operations of the mind, produces either *melancholia* or *mania*, according to the cause and the temperament of the individual.

4th. *Hypochondriasm* is a continued apprehension of the physical health, regardless of worldly affairs, connected with dyspeptic symptoms.

It will here be seen, that there are regular series or grades, and from being affected at first by one, an individual may ultimately be led through every stage. Thus, for example, the mind may be directed only to the physical health—*hypochondriasm* is the result. Accustomed to indulge in false notions and conceits on this point, the mind, from slight causes, may imperceptibly be led to reason falsely on matters disconnected with health: it then assumes the form of *mono-mania*. Indulging in these false reasonings, they ultimately become habitual; other operations of the mind, from want of proper exercise, become impaired, and the mind reasons falsely on all subjects, and assumes the character of *melancholia* or *mania*, according to the predisposition and temperament of the individual. This may, by some, be regarded as only an imaginary line of distinction; but any one accustomed to observe the operations of the mind, the facility with which it contracts a bias for certain subjects, and how quickly it becomes absorbed, will readily perceive the truth of the existence of this concatenation of affections. If we examine the insane, we will find many exhibit, according to circumstances, all the different traits which I have attempted to delineate. These distinctions are not only interesting in a metaphysical, but likewise important in a practical point of view. We are thus taught the necessity of guarding against indulging too freely in one train of thought to the exclusion of others, and to endeavour to abstract those who do so indulge, before the particular thoughts become too firmly fixed, that the spell may be broken, and a free exercise of all the operations of the mind be given. It is particularly important for those who have the mind engaged in abstruse points, to occasionally relieve themselves by light reading, where much reflection is not necessary; and on the other hand for those who in-

dulge too freely the imagination, to direct the mind occasionally to subjects which will bring into play the judgment and powers of ratiocination. Thus philosophers and reasoners of all kinds would find it much to their advantage if they would indulge more freely in reading, in place of despising, works of the imagination; and the poet would be a better or more judicious and influential character even in his own department, if he were made frequently to restrain his fancy and become more intimately acquainted with the realities of existence. In truth of this assertion we have, but to recur to the lives of poets, and, as a general rule, (for exceptions there certainly are,) those who have written the ablest and sublimest productions will be found to have had the fewest eccentricities, and were able to reason on other subjects with force and precision.

Having thus endeavoured to describe the various grades of insanity which have a relation to each other, we will now consider the causes of insanity, deferring the consideration of some other species of insanity to another place.

Causes of Insanity.—The causes of insanity depend very much upon the predisposition and temperament of the individual; for we continually perceive the same causes applied to different individuals, and producing different effects on each. Ardent spirits, for example, exhibits in different individuals very different effects. Exciting in some *mania*, in others *mania a potu*. Others again have apoplexy, and others waste away until the whole excitability of the system is exhausted, and death ensues. The same thing is observable in other cases. Thus disappointments in love make the ardent or sanguine mad, while the phlegmatic is uninfluenced by its fascinating allurements. The loss of property and the dread of poverty will create in the phlegmatic despondency and melancholic madness, while the sanguine is regardless of its stings; but disappointments in his love will produce maniacal fury. To illustrate this matter, let us contrast the general characteristics of the French and English people, without meaning any thing offensive to either.

The Englishman indulges his appetite, drinks his porter and port wine, and becomes torpid and phlegmatic. He is distant in his manners, cautious in his friendships, suspicious in his character, wrapped up in himself, and full of his own dignity and importance. His happiness is, therefore, principally dependent upon self-indulgence and the degree of consequence which he holds among his fellow creatures. Whatever will produce these will make him happy, and as they are diminished, so is his happiness: he has few individual sources of amusement, and, generally speaking, would prefer the fear and respect rather than the love of his fellow beings; he is, therefore, the child of circumstances, and becomes the sport of fortune. So long as he is fortunate and pros-

perous, it is well; but when misfortune assails him, a slave to public opinion, he dreads the change in public estimation; he shrinks from public gaze, desponds, falls into profound melancholy, and, perhaps, destroys himself.

The Frenchman, on the other hand, is familiar, talkative; a true disciple of the Epicurean philosophy of grasping the pleasures of the present day. In prosperity or adversity, equally gay, he laughs at the fitful changes of fortune, and adapts his habit of life to his change of situation. He lives on light food, drinks light wines, seldom or never gorges himself; he has, consequently, an elasticity of system and liveliness of manner. His constant study is to please and be pleased, and, the child of flattery, applause he seeks, no matter what the circle into which he is thrown. His imagination is as gay as the Englishman's is sombre. Love or eclat are his predominating feelings, and the slight of his mistress, or a failure in any pursuit after glory, may cause him to blow his brains out or become raving mad.

The English are a reflective, reasoning people. The French, observing, quick, of great practical tact, and full of imagination. Hence, the one is more generally seized with *melancholia*, the other with *mania*.

Having made these general remarks as illustrative of what may be regarded as the predisponent traits of madness, we will now consider the various causes of insanity.

Insanity may be produced either by physical or moral causes.

Physical Causes.—These may either be from an organic derangement of the brain, such as an abscess, inflammation of the brain or its tunics, depression of bone, nodes, &c. &c. or from a transfer of vascular determination to the brain, from an obstruction of some important organ, as a deficiency of biliary secretion, the obstruction of the menses, repelled eruptions, &c. &c. Mental derangement sometimes takes place during gestation and after parturition. How these causes produce insanity in some and not in others, has already been attempted to be explained as dependent upon predisposition. The cause, which seems to act as powerfully as any, is the habitual use of ardent spirits—especially by those of a sanguine temperament; this acts in two ways, by diminishing the excitability of the system, and by increasing vascular determination to the brain. It causes madness as well as *mania a potu*, a disease which we will hereafter consider.

Moral Causes.—Whatever powerfully excites the emotions or passions, such as love, revenge, hate, grief, joy, ambition, avarice, may be considered as a moral cause of Insanity. It may be said, that all cases of Mental Alienation, from moral causes, are the effects of the over-excitement of the imagination, or indulgence of the passions at the expense of judgment and sound discretion. Thus the enthusiastic, rash, or impetuous are, more or

less, predisposed to insanity. Terrible convulsions in a country, awakening prodigious excitements, create insanity, as was exemplified in France; and failures in great speculations, causing a sudden change in the fortunes and expectations of individuals, as is exemplified in large commercial cities. The disappointments of ambition, the loss of fortune, the check or overthrow of inordinate pride, exciting the contumely, rather than the sympathy of mankind, the neglects of love, the jarrings and collisions of life have all brought victims to this awful malady.

It may be questioned, whether the exercise of the reasoning powers, where the imagination has little concern, has ever been the cause of insanity. The natural philosopher, the mathematician, the logician have eccentricities and peculiar abstractions of mind, but seldom become insane; while, on the other hand, such as direct the mind to subjects giving great exercise to the imagination, such as romance writers and readers of romance, poets, and enthusiasts of all kinds, are not unfrequently subjects of insanity.*

Proximate Cause.—Upon this subject I shall not pretend to say much. Dr. Rush gives the following as those which have been offered: viz.—1st. The derangement of the liver. 2d. The disease of the spleen. 3d. The inflammation of the intestines and peritoneal coats. 4th. The disease of the nerves. 5th. The operation of the mind alone. To all of these he objects, and maintains that “the cause of madness is seated primarily in the blood vessels of the brain, and it depends upon the same kind of morbid and irregular actions that constitute other arterial diseases.” We find, however, sometimes, these vascular derangements when the mind is not materially affected. I shall not, however, stop to reason on this subject, as no possible well ascertained result can be obtained; the inquiry, therefore, would be idle. Opinions upon the proximate cause of any thing are always discrepant, they being indefinite. In this case, if it be the “*morbus ipse*,” then all may be right; if not, we will be only contending with a chimera.

Pathology.—Morbid anatomy has not thrown much light upon the nature of this disorder. The vessels of the brain and nerves are generally found turgid; sometimes the ventricles have had se-

* The following facts are taken from Dr. Rush's work on the diseases of the mind. Of 113 patients in the Bicetre Hospital, in France, that were examined by Mr. Pinel, 34 were from domestic misfortunes, 24 from disappointments in love, 30 from the horrors of the French Revolution, 25 from fanaticism. Of fifty maniacs in the Philadelphia Asylum, in April, 1812, 7 were from disappointments, chiefly love, 7 from grief, 7 from loss of property, 5 from erroneous opinions in religion, 2 from jealousy, 1 from terror, 1 from an injury to the head, 2 from repellent eruptions, 5 from intemperance, 2 from onanism, 2 from pregnancy, and 1 from fever—Making in all, 34 from mental, and 16 from corporeal diseases.

rous fluid. The appropriate tunics of the brain and skull have been usually found vascular; and Dr. Haslam has said, that air is frequently found in the *pia mater*. Hunter, Morgagni, and Baillie, have found the brain of maniacs to be hard and tough in consistency. Bonetus declared it to be so tough and hard as almost to be rubbed into a powder. But it has been very justly remarked by a celebrated writer, that these appearances have been observed in those who never exhibited any evidence of Mental Alienation.*

Treatment of insane persons.—The character of this essay will not permit my saying much on this subject, and I confess, my individual experience has been too limited to pretend to add any thing to what is already known. I shall, therefore, briefly state the general means.

There are two points of view in which the treatment of insane persons is to be considered: 1st. As regards the Moral, and 2d. the Medical.

The Moral.—The method of treatment as once adopted towards insane persons, was one of the foulest stigmas on the character of the human race. These unhappy creatures, suffering under the most excruciating tortures of the mind, and deprived of the noblest prerogative of their nature, had these afflicting dispensations of Providence converted into crime—for, to add to their already intolerable sufferings, scourges, abuse, dreary dungeons, nay, every thing that could create terror and degradation were practised. Hence, it was seldom the lot of one of these unhappy creatures to be removed from their dungeons until by death. It was supposed, and it was a cruel and fatal error, that the insane were insusceptible of feeling; they feel an injury as quickly as any one, and soon distinguish between kindness and cruelty, as is thus exemplified.

The following are the words of a maniac while giving an account of the reasons for destroying his keeper: "The man whom I stabbed richly deserved it. He behaved to me with great violence and cruelty; he degraded my nature as a human being; he tied me down, hand-cuffed me, and confined my hands much higher than my head, with a leathern thong; he stretched me on a bed of torture. After some days he released me. I gave him warning, for I told his wife I would have justice of him. On her communicating this to him, he came to me in a furious passion, threw me down, dragged me through the front yard, thumped me on my breast, and confined me in a dark and damp cell. Not

* Upon this subject the reader will find a body of facts, highly interesting and valuable, in the appendix to the second volume of Dr. Crichton's work on Mental Derangement; it will there be seen, that the hardness and friability of the brain is denied and although the different states of the brain are observable in many cases, they are nearly as frequently wanting.

liking this situation, I was induced to play the hypocrite. I pretended extreme sorrow for having threatened him, and by an affectation of repentance, prevailed on him to release me. For several days I paid him great attention, and lent him every assistance. He seemed much pleased with the flattery, and became very friendly in his behaviour towards me. Going one day into the kitchen, where his wife was busied, I saw a knife; this was too great a temptation to be resisted; I concealed it and carried it about me. For some time afterwards, the same friendly intercourse was maintained between us, but as he was one day unlocking his garden door, *I seized the opportunity, and plunged the knife up to the hilt in his back.*" This case should act as a warning to those keepers who are desirous of exercising the authority reposed in them, with unnecessary severity; and it is an opprobrium indeed on human nature, that there are individuals who insult the already lacerated feelings of the insane.

The change, however, which has taken place within less than half a century in the regulation of the insane, is one of the noblest trophies of medical science and improvement. They are now treated with kindness and humanity, their disposition and the causes of their insanity inquired into, and every indulgence, consistent with their situation and safety, is granted. In well regulated Lunatic Asylums, the individuals are treated exactly as they were accustomed to when sane, that they may be as little as possible sensible of their change of condition. They are allowed various amusements, which are calculated to soothe and divert the mind from the cause of sorrow. Firmness of conduct, and a proper authority, is always exercised by the keeper; but violence or unnecessary exercise of authority is condemned. The man who has the charge of the insane should have a mild, firm, and equable temper, with a good heart. Such a one will soothe the anguished mind, and recall reason to its appropriate exercise. But the violent and authoritative will be likely to fix the malady more deeply; and, therefore, should at once be dismissed from a duty so important and responsible.

To accomplish the cure of persons whose insanity arises wholly from the mind, it will be necessary to find out the cause. If the cause be imaginary or unattainable, we must endeavour to divert the mind by directing it to other thoughts—that new impressions and ideas may be formed, and the old ones be weakened, and ultimately made harmless. Whenever the condition and pecuniary means of the individual will admit, it would always be advisable to remove him from the scene of his sorrows, (for the smallest object may, by association, renew the cause, and reproduce the malady,) where new scenes and objects may attract attention, and all that has hitherto transpired be cast into oblivion.

For this purpose, it would be well to travel whenever practicable, and this would be serviceable, not only to the moral, but likewise to the physical health.

There are cases where persons have become insane from continually pursuing one course of studies or train of thought, to the exclusion of others. Under such circumstances the mind should be as much as possible abstracted from these, by introducing subjects of a different nature. We should, however, never attempt to speak slightly of any subject, however absurd, which they may regard as important, for nothing is more jarring to minds so acutely and sensitively wrought up. But we should seem to sympathize with their sorrows, and seemingly admit the justness of their complaints, while, at the same time, we should make exertions to call the mind to other matters disconnected with their malady. It has been said that Cowper, when suffering under his profound melancholy, could not endure his satirical pieces. Light music, we know, is jarring to the mind afflicted with grief, as solemn dirges to merriment. Any thing which has the semblance of contempt for the opinions of those under a morbid delusion must be excessively painful.

"I cannot," says the humane and eloquent Rush, "conclude this part of the subject of these inquiries, without lamenting the want of some person of prudence and intelligence in all public receptacles of mad people, who should live constantly with them, and have the exclusive direction of their minds. His business should be to divert them from conversing upon all the subjects upon which they had been deranged, to tell them pleasant stories, to read them select passages from entertaining books, and to oblige them to read to him; to superintend their labours of body and mind; to preside at the table at which they take their meals; to protect them from rudeness and insults from their keepers; to walk and ride with them; to partake with them in their amusements; to regulate the nature and measure of their punishments. Such a person would do more good to mad people in one month, than the visits, or the accidental company of the patient's friends would do in a year. But further, we naturally imitate the manners of persons with whom we live, provided they are objects of our respect and affection. This has been observed in husbands and wives who have lived long and happily together, and even in servants who are strongly attached to their masters and mistresses. Similar effects might be expected from the constant presence of a person, such as has been described, with mad people, independently of his performing for them any of the duties that have been mentioned. We render a limb that has been broken or bent, straight, only by keeping it in one place by the pressure of splints and bandages. In like manner, by keeping the eyes and ears of

mad people under the constant impressions of the countenance, gestures, and conversation of a man of a sound understanding and correct conduct, we should create a pressure nearly as mechanical upon their minds, that could not fail of having a powerful influence, in conjunction with other remedies, in bringing their shattered and crooked thoughts into their original and natural order."

Medical Treatment.—The general indication is to lessen vascular action or determination, if existing, which is done by general or topical bleeding, and then to restore the organs to their appropriate and healthful functions; for this purpose alteratives are prescribed. Calomel is more generally used than any other alterative; in many cases, however, it will make but a slight impression; the combination of Tartar Emetic will occasionally be found useful; the Tartar Emetic given in divided doses I have seen prove salutary, although, I must confess, it must be used with great caution and circumspection. In several cases, and one case in particular, of long standing and severity, where Calomel had no influence, I used the Tartar with evident advantage; a grain was given every hour, until twenty-four grains were taken, when the liver began to secrete freely, pouring forth dark inspissated bile in the first instance; she was then given cathartic medicine, which carried off a considerable quantity of bile. The Tartar was again resumed at more distant intervals, giving occasionally a catharsis, until the cure was completed. It becomes me, however, to state, that in two cases where I gave Tartar it proved injurious; but, I am firmly persuaded, from the unnecessary exposure of the insane, and my not being able to see them as often as I wished. These two cases were very desperate, and given up as hopeless. Tartar Emetic acts in many ways: it equalizes vascular action, increases the secretion of the liver, as well as other organs, such as the skin, kidneys, &c. and produces, if I may so express myself, a diverticulum from the brain. The cold bath, both by affusion and immersion, has been recommended, and, I have no doubt, in many cases, would prove a valuable adjuvant. The shock upon the system might, probably, be of advantage in arousing the nervous energy. Sudden shocks have been attempted, in some instances, with success.*

I will now briefly consider some other species of Insanity, which arise from particular and known causes.

* When the King of England, George III. was insane, Dr. Willis tried what sudden fear would do; he informed his majesty that he was bribed by Napoleon, the *bugbear* of the unfortunate monarch, to destroy him, and, says Dr. Willis, here goes, and pushed him into the water, when some persons, ordered to be near, took him out. This plan broke the paroxysm, but the king could never bear Dr. Willis. I have somewhere read of the following plan being proposed for the cure of the king: to place his body in warm water, and dash cold water on his head.

Nostalgia.—This is a species of insanity excited in those who are absent from their home and country, and assumes the character of melancholic despondency. Persons living in wild, romantic, mountainous countries are liable to it. The Swiss people are remarkable instances: Swiss soldiers have been known to pine away, without any apparent assignable cause; but as soon as promised to be returned to their native country, have speedily revived.

Nympho-mania.—This is a disease peculiar to females, arising from some irritation and excitement of the genital organs. The cause, by some, has been supposed to be an affection of the clitoris, which has been cut off, and the patient has been said to have recovered; and in some, in the uterus, and hence it has been sometimes called *uterinus furor*. In this disease the patient loses all control over her passions, and commits the most open and disgusting infringements upon decency. The sight of a man moves her passions, and she rushes with uncontrollable ardour towards him. The moral power is completely overdone by the passions. The excessive and open violation of all decency by Elizabeth* and Catharine of Russia, questionless arose from this disease, for they were otherwise possessed of strong minds and reigned with credit to themselves. They had an opportunity, (from their stations not being restrained by the rules of society,) of indulging their appetites, and they would, no doubt, if restrained, have become raving mad. It is well known that their love and sentiment became subservient to their lust, and Elizabeth especially, cohabited with her most vigorous grenadiers. I bring forward these cases as illustrative of a modified state of this disease, as I am persuaded that they never, in their stations, would have thus tarnished their fame, and suffered the moral to be so far subdued by the physical, if they were not suffering from diseased appetites. I shall not enter further into a consideration of this odious and degrading malady than to remark, that in many cases it is produced from a privation after excessive and inordinate indulgence, in the same manner as fits succeed a cessation of stimulus, to those who have in that manner indulged, and that it is a species of madness as little under the control of the individual as any to which human nature is liable.

Mania a Potu.—This malady is the effect of an inordinate use of ardent spirits, and exhibits itself in two forms. In one there is increased vascular action as well as determination to the brain, together with great excitement. The individual is violent, boisterous and furious, attempting to destroy every thing. The countenance is indicative of rage and fury; the eyes are wild, staring and projecting, and all the actions and expressions are demonstrative of strong phrenzy.

* In the uterus of Elizabeth tufts of hair, &c. were found.

The other species is where the disease supervenes the abstraction of stimulus, and consequent deficiency of excitability. It is an admitted rule, that in proportion to the artificial stimuli taken will be the diminution of the excitability of the system, and in the ratio of the diminution of the excitability will be the quantity of stimuli required to sustain the system. When, therefore, in the case of drunkards, the artificial stimulus is withdrawn, the nervous energy and power is lost. The individual has a general trembling over him; all his senses lose their accustomed actions; mists are constantly before him, and he frequently imagines he sees objects flitting by him, especially insects. Persons thus affected are always under dreadful apprehensions of punishment for supposed crimes, thereby evincing in the strongest manner the terrible evils of their imprudence. I know no sight more painful, or more solemn and admonitory, than that of an individual suffering with this species of *mania a potu*. One patient under my care believed that a guard was in waiting to carry him to prison, and from thence to execution. Under this hallucination, when his attendant left the room, he seized a razor from his drawer, which he brandished around, declaring that he would kill the first person who should seize him. While thus engaged his attendant came down, he cut her across the eye, and when she retreated to call for aid, believing he would be overpowered, cut his own throat shockingly. On his recovery, I inquired of him if he remembered what he had done, and he said he had an imperfect recollection of his being seized to be executed, and his attempt to defend himself, but no more.

Another of my patients believed that he had taken an axe and cleaved the head of his mother in twain, and that a guard of soldiers were in readiness to shoot him. The state of this man's mind was awful. His lamentations and horror at the act which he supposed he committed, were most distressing, and while calling down vengeance upon his guilty head, he would continually dodge from the supposed aim of the soldiers. This class of insane labour under a variety of hallucinations, and the disease is denominated by drunkards the "*horrors*."

It would not be proper to enter into minute details of the treatment, but a general view, derivable from my personal observation, may not be amiss. There is great discrepancy in the treatment of this disorder, which has originated from not distinguishing between that species of *mania a potu* which arises from increased, and that which arises from diminished excitement. The use of the lancet has been, under any circumstances, condemned by many physicians; but where there is great arterial action towards the brain, and general excitement evinced by strong and forcible pulsations of the carotid and temporal arteries, inflamed and wild staring eyes, accompanied with great muscular strength, I have

never hesitated to resort to general bleeding first, and generally with marked effect. After this, I have given nauseating doses of tartar emetic, which equalizes vascular motion, sometimes acts as an emetic, and always as an efficient cathartic. Having controlled the violent symptoms, I then resort to the alterative and tonic plan.

Emetics have been strongly recommended in this disorder; but I have no hesitation in believing, that in many cases, they have proved fatal when used primarily, by causing a rupture of some of the blood vessels of the brain, these being in drunkards generally distended and weak. The cold bath has, in some cases, proved highly beneficial, although it should be applied with caution.

The nervous disease or horrors, requires a different treatment. Here the stimulating and alterative must at the same time be used, to keep up excitement on the one hand, and restore, on the other, the deranged functions of the different organs of the system. The stools are generally found of the consistency and appearance of pitch or tar, and the calomel or blue pill, with small doses of tartar emetic, must be used until these evacuations change to that colour which evinces a healthy biliary secretion. While applying this we must allow the patient some stimulus, or he will inevitably sink. Sinapisms applied to the præcordia and extremities, and other external excitants, would be found useful. Opium, a remedy frequently applied to overcome the continued watchfulness, one of the most distressing symptoms, although generally used, has been, in my hands, unsatisfactory; nay, I have seen it do injury, and therefore, I cannot recommend it; and the cold bath never should be applied unless there be a strong disposition to reaction, as the powerful shock may otherwise, by its sedative effects, produce extreme prostration or death.

I cannot conclude this part of my subject without adverting to the terrible devastations which are made upon the human intellect by the use of ardent spirits, more fatal in its consequences than the sword of the conqueror or the scourge of pestilence. Men of ardent genius, refined sensibilities, cultivated intellects, as well as the labourer, if misfortunes assail them, too often fall under the scythe of this awful destroyer. Its melancholy and destructive influence is every where seen in squalid rags, and the degradation and ruin of respectable families. This monster, going forth conquering and to conquer, must be resisted by powerful, energetic, uncompromising efforts.

The law considers a crime committed during inebriation as an aggravation, because the individual, knowingly and voluntarily, brings himself into that state which impelled him to commit crime; but confirmed drunkards have no more power of resisting the intoxicating draught than the madman in committing violence when under the influence of his malady. The law, therefore, it does

appear to me, ought to extend further, and regard all, who are proved as confirmed drunkards, as disfranchised of those rights which the insane are deprived of.*

Idiotism.—On this subject I have not much to say. The idiot is deprived of all reason, and the whole of his sentient principles are weak and depraved. The countenance is vacant, oftentimes distorted, accompanied with an unmeaning smile or titter. The saliva slobbers from the mouth; the limbs hang carelessly dangling; in short, the whole physical as well as moral system is in a morbid state. Idiots are usually innocent and inoffensive, and are more sinned against than sinning; and the law regards them with charity and commiseration. They are allowed to go at large, although their property is placed in the hands of trustees. A will made by them, or a marriage contracted, is considered null and void; inasmuch, as they are incapable, of their own free will, of performing either of these contracts. To constitute an idiot in the law, an individual must be incapable of performing or understanding the simplest duties of life.

Idiotism is either congenital or occurs in after life. Those which are congenital arise from malconformation in the parents, bad diet and clothing, and from disease. In those countries where *goitre* abounds, idiots are numerous. I have no doubt, that frequent intermarriages in families produce this disorder; there can be little question that, eventually, it impairs the physical and intellectual powers. All animal and vegetable creation, it is admitted as a law of nature, deteriorate from the want of change in the seed of the plant, or breed of the animal, and why not the same in man?

The other species of *idiotism* has been termed fatuity by some, and by others dementia. This is produced sometimes from long continued nervous fever, or any cause which will destroy the excitability or sensorial power (as it has been severally called) of the system. Most frequently it arises from a gradual decay of nature, when as Shakspeare expresses it, there is “sans teeth, sans eyes, sans taste, sans every thing.” To decide upon the actual state of dementia has, and will always produce much embarrassment to a Court. The most frequent cause of litigation is in wills; for old persons generally become extremely capricious, and jealous of attentions, and the artful and designing, by insinuating themselves into their good graces, excite in them prejudices

* That there are some laws on this subject, I am fully aware; but the execution of them is so little attended to, as to make them almost obsolete. The moral sense of the community is not sufficiently strong against this vice, as is too often exemplified in the appointment of intemperate persons, although not absolute drunkards, to offices of trust, and the reluctance which is felt of dismissing them upon such a plea. The feeling of pity often retains an intemperate man in office.

against their friends and relatives, and become themselves the iniquitous heirs of the property by the will of the individual. Cases of this kind more frequently occur in that stage of existence, which Shakspeare has thus most accurately described :

" The sixth age shifts
 Into the lean and slipper'd pantaloon ;
 With spectacles on nose, and pouch on side ;
 His youthful hose well saved, a world too wide
 For his shrunk shank ; and his big manly voice,
 Turning again towards childish treble, pipes
 And whistles in his sound."

In conclusion, I will bring forward some late decisions overturning the former opinion, that the Deaf and Dumb were to be considered as Lunatics, and not amenable to a country for any violation of its laws. A case of this kind came on in the High Court of Edinburgh; the individual was Jean Campbell. This individual was deaf and dumb, and was accused of having thrown her child over a bridge and drowned it. The judges delivered their opinions at considerable length. Lord Hermand was of opinion that the prisoner was not a fit object for trial. She was deaf and dumb from her infancy, had had no instructions whatever, was unable to give information to her counsel, to communicate the names of her exculpating witnesses, if she had any, and was unable to plead to the indictments in any manner, except by certain signs, which he considered, in point of law, no pleading whatever.

Lords Justices Clerk, Gillies, Pitmilley, and Reston, were of a different opinion. From the evidence of Mr. Kinningburg and Mr. Wood, (gentlemen connected with the deaf and dumb institutions,) they were of opinion, that the panel was "*doli capax quoad*," the actual crime she was charged with. It was true, this was a new case in Scotland, but in England a case of similar nature had occurred. One Jones was arraigned at the Old Bailey, in 1773, for stealing five guineas. He appeared to be deaf and dumb; a jury was impannelled to try whether he wilfully stood mute, or from the visitation of God. They returned a verdict, "from the visitation of God;" and it having appeared, that the prisoner had been in the use of holding conversation by means of signs with a woman of the name of Fanny Lazarus, she was sworn an interpreter. He was tried, convicted, and transported. In the present case the panel had described to Mr. Kinningburg, most minutely, the manner in which the accident had happened to her child, and from the indignant way she rejected the assertion that she had thrown it over the bridge, it was evident she was sensible to murder it was a crime. It was also observed by Lord Reston, that it would be an act of justice towards the panel her-

self, to bring her to trial; for if the Court found she was a perfect nonentity, and could not be tried for crime, it followed as a natural consequence, that the unhappy woman would be confined for life; whereas, if she was brought to trial, and it turned out the accident occurred in the way she described it, she would be immediately set at liberty. The Court found her a fit object of trial.*

This is certainly highly interesting in a medico-legal view. Since the humane and successful exertions of the Abbe Sicard, and others, in supplying this unhappy and afflicted class of our fellow beings with a communication with external objects and mankind through the medium of signs, their condition and education has wonderfully progressed. They have, therefore, been made capable of estimating right and wrong, and in all such cases the the decisions of a Court, I apprehend, would be similar to that just mentioned.

I have thus given, as concisely and clearly as I could, the various degrees or characters of Mental Alienation, and will now consider,

SECONDLY, *The legal opinions on Mental Alienation, and the means of distinguishing between real and feigned, or partial Alienation of mind.*

Upon this part of my subject, very little more can be expected than a transcript of the various legal decisions. It is true, I have presumed to question some decisions, but it is where I have been sustained by the doubts of high authority. That there are some, nay, many legal decisions in Medical Jurisprudence, at variance with *medical experience*, admits of no doubt; yet, the law decisions of men of erudition and profound reflection, after thorough investigation, should always be cautiously interfered with, even on medical subjects.

"A lunatic or *non compos mentis*," says Blackstone, "is one who hath had understanding, but by disease, grief, or other accident, hath lost the use of his reason. A lunatic is, indeed, properly one that hath lucid intervals; sometimes enjoying his senses and sometimes not, and that frequently depending upon the change of the moon. Under the general name *non compos mentis*, which Sir Edward Coke says is the most legal name, are comprised not only lunatics, but persons under phrenzies, or who lose their intellects by disease; those who grow deaf and dumb and blind, not being born so, or such, in short, as are judged by the Court of Chancery incapable of conducting their own affairs." This definition is certainly very vague and indeterminate. In the first place it has been, and is doubted, whether the moon has any influence. This opinion, it appears to me, arose from the fact of

* For a more particular account see Beck's Elements of Medical Jurisprudence, from whence this is taken.

females becoming deranged from suppressed menses, and being excited at the period when nature should be relieved of this onus. Of a lucid interval we shall, in another place, see that such a state is questioned. Of the remaining portion of the definition I apprehend any thing but a definite idea would be obtained.

Lord Coke says, "*Non compos mentis* are of four sorts : 1st, The idiot, who, from his nativity, by a perpetual infirmity is *non compos mentis*. 2dly, He, who by sickness, grief, or other accident, wholly loses his memory or understanding. 3dly, A lunatic, who has sometimes his understanding and sometimes not. *Ali quando, quadet lucet intervallis* ; and, therefore, he is called *non compos mentis* so long as he hath no understanding."

Sir Mathew Hale says, "There is a partial insanity and a total insanity ; the former is in respect to things *quoad hoc vel illud insanire*. Some persons who have a competent use of reason in respect to some subjects, are yet under a particular dementia in respect to 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 defects in excessive fears and griefs, 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 its matter capital, for doubtless most persons that are felons of themselves, and others, are under a degree of partial insanity when they commit these offences. It is very difficult to define the invisible line that divides perfect and partial insanity, but it must rest upon circumstances duly to be weighed, and considered both by the judge and jury, lest, on the one side, there be a kind of inhumanity towards the defects of human nature, or, on the other, too great an indulgence given in great crimes."

Sir Vicary Gibbes, as attorney general in the trial of Bellingham for killing Mr. Perceval, remarks :

"A man may be deranged in his mind, his intellects may be insufficient for enabling him to conduct the common affairs of life, such as disposing of his property, or judging of the claims which his respective relations have upon him ; and if he be so, the administration of the country will take his affairs into their management, and appoint to him trustees ; but at the same time such a man is not discharged from his responsibility for criminal acts. I say this upon the authority of the first sages in the country, and upon the authority of the established law at all times, which law has never been questioned, that although he be incapable of conducting his own affairs he may still be answerable for his criminal acts, *if he possess a mind capable of distinguishing right from wrong.*"

In the same trial Lord Mansfield observed : "That there were various species of insanity, some human beings were void of all

power of reasoning from their birth, such could not be guilty of any crime. There was another species of madness in which persons were subject to temporary paroxysms, in which they were guilty of acts of extravagance, this was called lunacy. If these persons were to commit the crime when they were not affected with the malady they would be, to all intents and purposes, amenable to justice. So long as they could distinguish good from evil, so long would they be answerable for their conduct. There was a third species of insanity in which the patient *fancied the existence of injury, and sought* an opportunity of gratifying revenge by some hostile act. If such a person were capable, in other respects, of distinguishing right from wrong, there was no excuse for any act of atrocity which he might commit under this description of derangement."

The line which we would have to draw in this case, would be very delicate, for many madmen, as has been shewn, reason tolerably well, and yet have no control over their actions. To punish an individual, thus circumstanced, with death, would, indeed, be hard. It would be the punishment of misfortune, and not of crime. Sudden fits of passion, or eccentricities, or particular notions, founded on particular causes, are not to justify a violation of the law. Such for example, as killing a person because he opposed a prevailing religion, as in the case of Ravailiac, or the destruction of any one who may be regarded as an enemy to the liberties of a country; or under any circumstance where the individuals are acting from a motive. There are many persons, as we have shewn, who, upon all but one point, are perfectly rational; but when aroused upon the particular point of their insanity, have no possible control over themselves. They are, indeed, suffering under the most terrible insanity; yet such persons, according to Lord Mansfield, would be amenable to justice as if they were not mad. It is true, that the decision on this point is extremely delicate, that to use the view of Sir Mathew Hale, great crimes might thus go unpunished, and on the other hand the defects of humanity be hardly dealt with. To illustrate, therefore, this very important subject, I will cite several passages from the able speech of Lord Erskine, in the trial of Hadfield, for shooting at the King, a speech which should be read by every physician and lawyer. "I really think, however," says his Lordship, "that the Attorney General and myself do not, in substance, very materially differ; because, from the whole of his most able speech, taken together, his meaning may, I think, be thus collected: That where the act which is criminal, is done under the dominion of malicious mischief and wicked intention, although such insanity might exist in a corner of the mind, as might avoid the acts of the delinquent, as a lunatic, in a civil case, yet that he ought not to be protected, if malicious mischief and not insanity had impelled him to

the act for which he was criminally to answer; because, in such a case, the act might be justly ascribed to malignant motives, and not to the dominion of disease. I am not disposed to dispute such a proposition in a case which would apply to it, and I can well conceive such cases may exist. The question, therefore, which you will have to try, is this: whether, when this unhappy man discharged the pistol, in a direction which convinced, and ought to convince every person that it was pointed at the person of the King, he meditated mischief and violence against his majesty; or whether he came to the theatre under the dominion of the most malignant insanity that ever degraded and overpowered the faculties of man." Again he says:

"In every case of treason or murder, which are precisely the same, except that the unconsummated intention in the case of the King, is the same as the actual murder of a private man; the jury must impute, when they condemn by their verdict, the motive which constitutes the crime; and your province to-day will, therefore, be, to decide, whether the prisoner, when he did the act, was under the uncontrollable dominion of insanity, and was impelled to it by a *morbid delusion*; or whether it was the act of a man, who, though occasionally mad, or even at the time not perfectly collected, was yet not actuated by the disease, but by a wicked and malignant disposition." It will here be seen, that the legal conception of madness is believed to depend upon the motives which may have led to crime; and to illustrate this more fully and satisfactorily, the following long extract from this admirable speech of Lord Erskine is given. His Lordship, after bringing together all the evidence to prove Hadfield insane, thus addresses the Jury:

"Gentlemen, these are the facts, freed from even the possibility of artifice or disguise; because the testimony to support them will be beyond all doubt; and in contemplating the law of the country and the precedents of its justice, to which they must be applied, I find nothing to challenge or question; I approve of them throughout; I subscribe to all that is written by Lord Hale; I agree with all the authorities cited, by the Attorney General, from Lord Coke; but, above all, I do most cordially agree in the instance of convictions in which he illustrated them in his able address. I have now lying before me the case of Earl Ferrers; unquestionably there could not be a shadow of doubt, and none appears to have been entertained, of his guilt. I wish, indeed, nothing more than to contrast the two cases; and so far am I from disputing either the principle of that condemnation, or the evidence that was the foundation of it, that I invite you to examine, whether any two instances, in the whole body of the criminal law, are more diametrically opposite to each other, than the case of Earl Ferrers and that now before you.

“ Lord Ferrers was divorced from his wife by act of parliament, and a person of the name of Johnson, who had been his steward, had taken part with the lady in that proceeding, and had conducted the business in carrying the act through the two houses. Lord Ferrers, consequently, wished to turn him out of a farm which he occupied under him ; but his estate being in trust, Johnson was supported by the trustees in his possession ; there were also some differences respecting coal mines ; and in consequence of both transactions, Lord Ferrers took up the most violent resentment against him. Let me here observe, gentlemen, that this was not a resentment founded upon any *illusion* ; not a resentment forced upon a disordered mind by fallacious images, but depending upon *actual circumstances and real facts* ; and acting like any other man under the influence of malignant passions, he repeatedly declared that he would be revenged on Mr. Johnson, particularly for the part he had taken in depriving him of a contract respecting the coal mines.

“ Now, suppose Lord Ferrers could have showed that no difference had ever existed regarding his wife at all ; that Mr. Johnson had never been his steward, and that he had only from delusion, believed so, when his situation in life was quite different. Suppose further, that an *illusive imagination* had alone suggested to him that he had been thwarted by Johnson in his contract for these coal mines ; in short, that the whole basis of his enmity was without any foundation in nature, and had been shown to have been a *morbid image*, imperiously fastened upon his mind. Such a case as that would have exhibited a character of insanity in Lord Ferrers, extremely different from that in which it was presented by the evidence to *his peers*. Before *them* he only appeared as a man of turbulent passions ; whose mind was disturbed by no fallacious images of things without existence ; whose quarrel with Johnson was founded upon *no illusions* upon existing facts, and whose resentment proceeded to the fatal consummation with all the ordinary indications of mischief and malice.”

After giving many other cases illustrative of what should be considered as insanity in a legal point of view, his Lordship cites the following very strong and important case, with which I shall terminate my quotations :

“ There was another instance in the case of a most unhappy woman, who was tried in Essex, for the murder of Mr. Errington, who had seduced and abandoned her and the children she had born to him. It must be a consolation to those who prosecuted her, that she was acquitted, as she is at this time in a most undoubted and deplorable state of insanity ; but I confess, if I had been upon the jury, I should have entertained great doubt and difficulties ; for although the unhappy woman had before exhibited strong marks of insanity, arising from grief and disappointment,

yet she acted upon facts and circumstances which had an *existence*, and which were calculated, upon the ordinary principles of human action, to produce the most violent resentment. Mr. Errington having just cast her off, and married another woman, or taken her under his protection, her jealousy was excited to such a pitch, as occasionally to overpower her understanding; but, when she went to Mr. Errington's house, where she shot him, she went with the express and deliberate purpose of shooting him. That fact was unquestionable; she went there with a resentment long rankling in her bosom, *bott med on an existing foundation*; she did not act under a delusion, that he had deserted her when he had not, but took revenge upon him for an actual desertion; but still the jury, in the humane consideration of her sufferings, pronounced the insanity to be predominant over resentment, and they acquitted her."*

It will thus be seen, that Lord Erskine conceived, (and the Court accorded with his Lordship,) that to prove a crime to have been committed under the influence of insanity, the act should have no reference to existing facts or previous actual injuries, but be the effect of imaginary wrongs, having no foundation in truth. The case, however, last mentioned, evinces strongly, that although an actual injury is received, the effect may be such as completely to overcome the mind. The question, in such cases, will be, whether in the previous conduct, or in other matters, marks of derangement of intellect were exhibited by the individual; and whether the crime was committed during a terrible morbid excitement and alienation of mind, or under the influence of insatiable revenge. Such cases are particularly embarrassing and difficult of decision, and may, by careless decisions, open too wide a field for the gratification of private wrongs and injuries. The difficulty of decision here, would be in cases of *mania*, accompanied with terrible excitements. In very many such cases the person reasons with extreme ingenuity, and with an indignant sense of wrong.†

Having thus given the opinions of madness as adopted by the standard law writers, we will now show how difficult it is sometimes to detect madness. In ordinary cases, where all the symptoms are strongly and clearly delineated, the most common observer can at once decide; but these are not the cases which come before a Court or are questionable. It is in cases where the intellectual powers are misdirected, over excited, or but partially impaired, that the question becomes embarrassing. In such cases the insane, under ordinary circumstances, speak and even act so rationally as to completely deceive us. They reason with force and perspicuity upon ordinary topics, and it is only when the dis-

* Cooper's Tracts on Medical Jurisprudence.

† See a case in page 22 as exemplifying this.

cordant chord of their feeling is struck, that the malady is shown. Numberless cases of this kind are observable in Lunatic Asylums; and many have come before civil tribunals which have created embarrassments to the Court, the jury, and the physician called in to illustrate the matter. "It is agreed by all jurists, and is established by the law of this and every other country," says the eloquent Lord Erskine, "that it is the *reason of man*, which makes him accountable for his actions; and that the deprivation of reason acquits him of crime. This principle is indisputable; yet so fearfully and wonderfully are we made, so infinitely subtile is the spiritual part of our being, so difficult is it to trace with accuracy the effect of diseased intellect upon human action, that I may appeal to all who hear me, whether there are any causes more difficult, or which, indeed, so often confound the learning of judges themselves, as when insanity, or the effects and consequences of insanity, become the subjects of legal consideration and judgment."

It is highly important, therefore, for me to consider this part of my inquiry particularly, and I shall make free with the cases that have been mentioned by our best writers, as the best means of illustrating this subject. It is mentioned by Lord Erskine, that he used every effort in vain, before a Court, to prove an individual insane, until Dr. Sims came in and explained the cause of his malady; when his Lordship addressed him on that point, and quickly evinced his malady to the full satisfaction of the Court.

Another case of this kind his Lordship mentioned, as having obtained from Lord Chief Justice Mansfield, which is as follows: "A man of the name of Wood had indicted Dr. Monro for keeping him as a prisoner, when he was sane. He underwent the most severe examination by the defendant's counsel, without exposing his complaint. But Dr. Battie having come upon the bench by me," said Lord Mansfield, "and having desired me to ask him what was become of the Princess with whom he corresponded in cherry juice, he showed in a moment what he was. He answered there was nothing at all in that, because having been, as every body knew, imprisoned in a high tower, and being debarred the use of ink, he had no other means of correspondence but by writing his letters in cherry juice, and throwing them into the river which surrounded the tower, when the princess received them in a boat. There existed of course no tower, no imprisonment, no writing in cherry juice, no river, no boat; but the whole was the inveterate phantom of a morbid imagination. I immediately directed Dr. Monro to be acquitted; but this man Wood, being a merchant in Philpot Lane, and having been carried through the city on his way to the mad-house, indicted Dr. Monro over again for the trespass and imprisonment in London. Knowing that he had lost his cause by speaking of the princess at West-

minster, and such (said Lord Mansfield) is the extraordinary cunning and subtlety of madmen, that when he was cross-examined in the trial, as he had successfully been before, in order to expose his madness, all the ingenuity of the bar, and all the authority of the Court, could not make him say a single syllable upon that topic which had put an end to the indictment before, although he had still the indelible impression upon his mind, as he had signified to those who were near him, but conscious that the delusion had occasioned his defeat at Westminster he obstinately persisted in holding it back."

This case fully illustrates the deceptions which the insane can practise, and how important it is to be well acquainted with the characteristics and peculiarities of insanity. For a judge or jury, as well as the by-standers, may find it difficult to be convinced that an individual, so apparently collected and rational, could be insane. I shall now give a case as taken from Dr. Haslam's work on insanity, which will act as a guard to our being deceived by their plausibilities and cunning devices.

"An Essex farmer of the middle age, had, on one occasion, so completely masked his disorder, that I was induced to suppose him well when he was quite otherwise. He had not been at home many hours, when his derangement was discernible by all those who came to congratulate him on the recovery of his reason. His impetuosity and mischievous disposition daily increasing, he was sent to a private mad-house, there being at that time no vacancy in the Hospital. Almost from the moment of his confinement he became tranquil and orderly, but remonstrated on the injustice of his seclusion. Having once deceived me, he wished much that my opinion should be taken respecting his intellects, and assured his friends that he would submit to my determination. I had taken care to be well prepared for this interview, by obtaining an accurate account of the manner in which he had conducted himself. At this examination he managed himself with admirable address. He spoke of the treatment he had received from the persons under whose care he was then placed, as most kind and fatherly; he also expressed himself particularly fortunate in being under my care, and bestowed many handsome compliments on my skill in treating this disorder, and expatiated on my sagacity in perceiving the slightest tinge of insanity. When I wished him to explain certain parts of his conduct, and particularly certain extravagant opinions respecting certain persons and circumstances, he disclaimed all knowledge of such circumstances, and felt himself hurt, that my mind should have been poisoned so much to his prejudice. He displayed equal subtlety on three other occasions when I visited him; although by protracting the conversation, he let fall sufficient to satisfy my mind that he was a madman. In a short time he was removed to the Hospital, where he expressed great satisfaction in being under my inspec-

tion. The private mad-house, which he had formerly so much commended, now became the subject of severe animadversion; he said he had there been treated with extreme cruelty, that he had been nearly starved and eaten up by vermin of various descriptions. On inquiring of some convalescent patients, I had found, (as I had suspected,) that I was as much the subject of abuse, when absent, as any of his supposed enemies; although to my face his conduct was courteous and respectful. More than a month had elapsed before he pressed me for my opinion, probably confiding in his success, and hoping to deceive me. At length he appealed to my decision, and urged the correctness of his conduct during his confinement as an argument for his liberation: but when I informed him of the circumstances he supposed me unacquainted with, and assured him he was a proper subject for the Asylum which he then inhabited, he suddenly poured forth a torrent of abuse, talked in the most incoherent manner, insisted on the truth of what he had formerly denied, breathed vengeance against his family and friends, and became so outrageous that it was necessary to order him to be strictly confined. He continued in a state of increasing fury for more than fifteen months."

There was a case which came under my cognizance, very nearly similar. The individual, a female, was always using various devices with the master and the commissioners of the institution where she was placed, to obtain her liberty, and when she found all her efforts unavailing, she burst forth with the vilest torrents of abuse.

The cases which I have mentioned, will, I think, clearly and forcibly show the great difficulty which sometimes exists in deciding on the state of mind of an individual, and the necessity of using great precaution in giving our opinions. For the life, the prospects, or the liberty of a fellow being are always in such cases at stake, and the "*ipse dixit*" of a physician will have great weight before a Court and jury; for, from the physician, in such cases, aid is demanded, and much dependence is placed upon his opinions; his responsibility is, therefore, proportionally great. Nothing can be more awful than the punishment of an individual with death, for the commission of an act, the guilt of which he is, from his unhappy state of mind, unable to judge. Nor any thing more distressing than the imprisonment of a sane man, driven perhaps by rage and impetuosity of temper, to exhibit those signs which the inexperienced and rash may pronounce as the evidences of madness, thus taking the most effectual method of producing such a result. Strange as it may seem, cases of this kind, arising from ignorance of the physician on the one hand, and of designing men on the other, have occurred. It is astonishing, as we have frequently had to show, how natural madmen are on some points, what prodigious intellectual efforts they have dis-

played, and what varieties of aspects they assume.* The celebrated poet, Lee, whose plays constantly excite the admiration of an enlightened audience, wrote them in a Lunatic Asylum, and was, at times, seized with the most violent maniacal fury; and I have somewhere read of a lunatic who wrote a poem feelingly describing his melancholy situation. Shakspeare, the perfect master of the human heart and passions, ably delineates in Hamlet and Lear, the different characters of madness arising from grief. In Lear, we see the characteristic traits of the arbitrary monarch, defying the fury of the elements. In the beautiful Ophelia, the fondness for flowers and various emblems of sorrow; and in Hamlet we scarce know whether the poet means to delineate, as he forcibly and beautifully does, those hallucinations arising from violent emotions of grief, or feigned madness. The various aspects which this distressing malady assumes, in various individuals, make it necessary to ascertain the temperament and disposition of the individual, and the causes which may be assigned as producing the insanity.

I will now attempt to explain the discriminative marks between the real and feigned madman.

Much skill is required to feign madness, and the pretenders are very apt to overact their part: when in company, they are boisterous, when alone quiet, and it is difficult for them, for a length of time, to continue consistent in sustaining their assumed character. To the experienced there is likewise a peculiar cast of countenance and expression almost impossible to feign, particularly the sudden transition in the expression of the eyes, from a glared vagueness to a flashing quickness, when any particular emotion or passion is excited. When the paroxysm of a real madman is over, he tries to conceal his malady; he feels the unhappy infirmity of his nature and shrinks from observation. Whereas the feigned madman will endeavour to give convincing proofs of his malady. Some, however, are so acute as to deceive us on this point. The real madman has all his organs of sense perverted; he will bear the most offensive effluvia; the most violent noise; and is wholly inattentive to physical wants, and can endure long watchfulness; while he who feigns, will find it a difficult task to submit to these endurances. Still, madmen may sometimes be wanting in some of these; but, on the other hand, where the madman attempts to deceive you and make you believe him sane, his very efforts to effect this object is the strongest evidence of his being insane. For when reason returns, the individual, so far from being desirous to give convincing reasons of his sanity, shrinks from observation and avoids the most remote allusion to his malady. He feels the humiliating condition which it has

* We will always, however, observe, that all these intellectual efforts partake of the imaginative, more than the reasoning character.

pleased the Almighty to let fall upon him, and instead of being clamorous and determined to obtain his freedom, and seemingly insulted at the means used towards him, he is silent, submissive, unobtrusive, and rather under deep humiliation.

The physical signs which have been offered are the following :

The countenance, as has been already stated, has been found generally swarthy, with dark eyes and hair. The secretion of the mucus of the nose has been said to be diminished. Mr. Hill says, that maniacs have a peculiar fetid odour emitted from their body, and recommends it as a sign. This is, however, a miserable sign, for our sense of smelling is not equally acute, and any person neglecting cleanliness will have an unpleasant odour emitted from his body. Dr. Rush has mentioned the pulse as a good sign. He asserts, that the pulse of maniacs always beats stronger than those in health. "The knowledge of this fact," says he, "has once been applied with success in the administration of the criminal law in the United States." One of the two men who were condemned to die for treason, committed against the general government, in the western counties of Pennsylvania, in the year 1794, was said to have lost his reason after sentence of death had been pronounced upon him. A physician was consulted upon his case, who declared his madness to be feigned. General Washington, then President of the United States, directed a consultation of physicians upon his case. Dr. Shippen, Dr. Samuel P. Griffitts and myself, were appointed for that purpose. The man spoke vehemently upon several subjects, and for a while the state of his mind became doubtful. I suggested the propriety of examining his pulse. It was more frequent, by twenty strokes in a minute, than in the healthy state of body and mind. Dr. Shippen ascribed this to fear. I then requested that the pulse of his companion in guilt and in fear might be felt. It was perfectly natural in frequency and force." From this fact the individual was recommended to mercy, and he was pardoned. I have a very high respect for the opinions of Dr. Rush, but I must think his conclusions here were wholly gratuitous. He does not tell us whether he knew what had been the state of the culprit's pulse before the commission of this act. Now, it is well known, that the pulse varies in different individuals, and is influenced according to the healthful or morbid condition of the system, disconnected from insanity, and, therefore, a test, liable to so many discrepancies, should never, of itself, have been considered satisfactory.

"It is necessary," says Dr. Haslam, "to observe that insanity may be counterfeited by the criminal, in order to defeat the progress of justice ; and with this view may attempt to impose on the medical practitioner. During the course of my experience I have witnessed only two attempts of such imposture, and in both in-

stances the deception was so clumsily executed, that it required but little knowledge of the disorder to detect it. To sustain the character of a paroxysm of active insanity, would require a continuity of exertion beyond the power of a sane person; they do not keep up the deception when they suppose themselves alone and unwatched; the assumed malady then disappears, and the imposture then recommences when they are in the society of others. They are likewise unable to prevent sleep. If they endeavour to imitate the passive form of this malady, which is an attempt of a considerably greater difficulty, they are deficient in the presiding principle, the ruling delusions, the unfounded aversions and causeless attachments which characterize insanity; they are unable to mimic the solemn dignity of systematic madness, or recur to those associations which mark this disorder; and they will want the peculiarity of look, which so strongly impresses an experienced observer.* I have thus endeavoured to give the best directions for distinguishing between real and feigned madness; a point, as has been shown, sometimes extremely embarrassing. None of the plans herein given should alone govern us; and in all cases we should be cautious and slow in offering an opinion.* Indeed, those who have not seen many cases of insanity, should never presume to give a positive opinion in Court, as they must, in intricate cases, be wholly incompetent. In all cases where the slightest doubt exists, it would be more prudent, and consonant with the ends of justice, to have the individual confined and secretly watched, when, after a certain period of time, he will expose his real state of mind.

In all cases of doubt, coming before a civil tribunal, it is the business of the judge or jury to consider the motives that could actuate an individual in the commission of any act which may give rise to the supposition of insanity. If the act be wanton, and done without any possible assignable motives, and the character of the individual has been previously good, these should strongly induce us, in connexion with any of the signs just mentioned, to believe the individual insane. And, on the other hand, if the character is bad, the motives strong, and the symptoms equivocal, we cannot err much in believing such a case feigned; always, however, when the slightest shadow of doubt presents itself, giving time, as already mentioned, to confirm or destroy the opinion.

I will now consider,

THIRDLY, *Some practical questions illustrative of points which come before a Court and Jury for decision.*

For this purpose I have adopted the questions proposed by Dr. Male, viz :

Q. 1. Whether there is a probable chance of recovery ?

* Haslam's Treatise, in Cooper's Tracts on Medical Jurisprudence.

Q. 2. Whether there has been a lucid interval ?

Q. 3. Whether the symptoms are sufficiently mild to suffer the patient, with propriety, to retain his liberty and possession of his property ?

Q. 4. Whether, in cases of convalescence, the cure is likely to become permanent ?

Q. 1. Whether there is a probable chance of recovery ?

This will depend upon the cause or causes which produced the malady, and the constitution and temperament of the individual. The physician should be very cautious in giving a prognostic.

Insanity, however, is too frequently regarded as incurable, without physicians sufficiently inquiring into the actual or previous condition of the individual. The experience and successful efforts of many, who have had the control of Lunatic Asylums, happily prove to us, that there are many cases of insanity which are produced from temporary causes, which may be again restored to reason.

Whenever madness arises from derangement of the chylopoetic viscera, menstrual obstruction, or any suppression, suddenly, of eruptions or long continued ulcers, from a metastasis of gout, from gestation, or the effects of delivery in women : in all such cases, producing an undue determination to, and excitement in the sensorium or brain, as soon as the different organs are restored in their appropriate functions, it is reasonable to suppose the malady will be relieved. In cases of organic lesion of the brain or hereditary predisposition, the recovery may be regarded as more than questionable.

Insanity produced from moral causes is generally very difficult to relieve. It has been said that the melancholic patients seldom recover than others. The young more frequently recover than the old, women than men.

Of all species of *mania*, none are more terrific or hopeless than those arising from religious enthusiasm, or any other cause producing an over excitement of the imagination. The reasoning powers are here wholly overcome, and the wildest phantoms are constantly taking possession of the unhappy sufferer's mind.

Q. 2. Whether there has been any lucid interval ?

This is a highly important and interesting question as connected with medical jurisprudence.

When an individual is tried for his life, or when a will is made contrary to the expectations of his friends, one party will endeavour to prove the individual insane. This may be granted by the opposite party, but they may contend, that at the time of the commission of this act, or making of the will, the individual had a lucid interval. The physician is, therefore, called upon by the Court for his opinion, whether there has been, or can be a lucid interval. From what has been already shown, it will be observed,

that it is extremely difficult, in many cases, to satisfy the Court. An individual, for example, may be rational upon all except one point; he may converse so reasonably, calmly and correctly, as to induce those who hear him to believe him sane. He makes a will, wherein his family or nearest relatives are omitted; the will becomes litigated, and the plea is insanity. The prosecutors give satisfactory evidence to prove the individual having been insane. But the evidence, on the other hand, may swear, and conscientiously too, that they saw the testator, at the making of the will, and he appeared perfectly sane. In this discrepancy of opinion, it would, very naturally, be asked, if he had a lucid interval at that time.

It appears to me, to decide upon what may be called a lucid interval, is almost impossible. A person may be, apparently, lucid; yet the commission of an act contrary to the general rules and feelings of mankind, together with the fact of his having been subject to insanity, is a *prima facie* evidence, of the individual having been insane during the commission of that act, whatever may be his apparent sanity. It is important, therefore, to ascertain, whether the act could have been done by a rational creature, in the full possession of his intellectual and moral powers. If it be not consistent with such a state; if it appear contrary to the dictates of nature and the principles of right and wrong, and the person is proved to have previously exhibited evidence of madness, he ought, I should suppose, in common reason and justice, be regarded as insane during the commission of the act, which may be the subject of litigation. For any one, at all acquainted with the insane, must be aware how sudden, like the flash of lightning, their passions and emotions are, and what strong and unfounded animosities they have against their relatives and friends.

It will be proper to offer the opinions, on this subject, of some of the highest authorities in law and medical jurisprudence.

"When medical persons," says Dr. Haslam, "are called upon to attend a commission of lunacy, they are always asked whether the patient has had a lucid interval? A term of such latitude as interval, requires to be explained in the most perspicuous and accurate manner. In common language it is made to signify a moment, or a number of years. Consequently it does not comprise any stated time; the term lucid interval, is, therefore, relative. As the law requires a precise development of opinion, I should define a lucid interval to be a complete recovery of the patient's intellects, ascertained by repeated examinations of his conversations, and by constant observation of his conduct, for a time, sufficient to enable a superintendent to form a complete judgment."

In a subsequent essay on insanity, Dr. Haslam makes the following remarks :

"As a constant observer of this disease for more than twenty-five years, I cannot affirm that the lunatics, with whom I have 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 more deliberate; they may endeavour to effect some desirable purpose, and artfully conceal their real opinions, but they have not abandoned or renounced their distempered notions."*

These are the opinions of a physician, whose experience and observation of insanity, entitle him to be regarded as the highest authority.

Dr. Percival says, "the complete remission of madness is only to be decided by reiterated and attentive observation. Every action and even gesture of the patient, should be sedulously watched; and he should be drawn into conversations, at different times, that may insensibly lead him to develop the false impressions under which he labours. He should also be employed, occasionally, in business or offices connected with, or likely to renew his wrong associations. If these trials produce no recurrence of insanity, he may, with full assurance, be regarded as "*compos mentis*," during such period, even though he should relapse, a short time afterwards, into his former malady."†

Lord Thurlow says, "by a perfect interval, I do not mean a cooler moment, an abatement of pain or violence, or of a higher state of torture, a mind relieved from excessive pressure; but an interval, in which the mind, having thrown off the disease, has recovered its general habit. The burthen of proof," he adds, "attaches on the person alleging such lucid intervals, who must show sanity and competence, at the period when the act was done, and to which the lucid interval refers; and it is certainly of equal importance, that the evidence in favour of the allegation of a lucid interval, after derangement at any period has been established, should be as strong and demonstrative of such fact, as when the object of the proof is to establish derangement. The evidence, in such a case, applying to stated intervals, ought to go to the state and habit of the person, and not to the accidental interview of any individual, or to the degree of self-possession in any particular act."

Lord Eldon disagreed in opinion with Lord Thurlow, and said, "with regard to what might be a lucid interval, it was a point of some difficulty. He could never go the length of Lord Thurlow. That noble Lord was of opinion, that if the existence of insanity

* Cooper's Tracts, vide page 350.

† Percival's Medical Ethics.

was once established, the evidence of a lucid interval ought to be as clear as the evidence in support of lunacy. He put the following case to Lord Thurlow. I have seen you exercising the duties of Lord-Chancellor with ample sufficiency of mind and understanding, and with the greatest ability. Now, if Providence should afflict you with a fever, which should have the effect of taking away that sanity of mind, for a considerable time, (for it does not signify whether it is *the disease insanity* or *fever* that makes you insane,) would any one say it required such very strong evidence to show that your mind was restored to the power of performing such an act as making a will; an act, to the performance of which, a person of ordinary intelligence is competent?"

In elucidating his opinion, Lord Eldon has drawn a very fallacious parallel, and offered, it does appear to me, very sophisticated reasoning. The delirium of fever and ordinary insanity, are obviously distinct: that from fever being merely one of a group of symptoms, which disappears with the disease; whereas, insanity is the disease itself, by no means dependent upon any fever, and is perpetually liable to a recurrence. If the delirium of fever and insanity are, as by Lord Eldon, to be identified in a medico-legal view, inequitable decisions must be the consequence. "Delirium, in the ordinary acceptation of the word, is the temporary derangement of intellect, consequent on acute disease; it may be distinguished from lunacy or madness, by the invariable presence of fever, and it ceases as its exciting causes subside; this, therefore, operates no permanent incapacity; for though the patient cannot be permitted to do any act, or execute any instrument to bind his property or estate, and would not be held responsible for any crime committed during such temporary alienation of intellect, yet he becomes competent to act, and responsible for his actions as soon as the paroxysm and its consequences are clearly over."* But in the very case of insanity accompanied with delirium, or that species produced by over excitement, we are particularly liable to be deceived, if not well aware of the malady; how then can his Lordship say, that the decision, especially in that of making of a will, is easy. Is it nothing, that the rightful heirs are neglected, or those who have the strongest possible claim; and under such and similar cases, ought not in equity the "*onus probandi*" to fall on those, (if the person had been known to be previously insane,) who declare him sane during the making of the will litigated. But even his Lordship has, in the subsequent decision, conflicted somewhat with the doctrine above quoted. "When the party has ever been subject to a commission, or to any restraint permitted by law, even a domestic restraint, clearly and plainly upon him in consequence of undispu-

* Paris and Fonblanque.

ted insanity, the proof, shewing sanity, is thrown upon him. On the other hand, where insanity has not been imputed by relations or friends, or even by common law, the proof of insanity, (which does not appear ever to have existed,) is thrown upon the other side; which is not to be made out by rambling through the whole life of the party; but must be applied to the particular date of the transaction. A deviation from that rule will produce great uncertainty.* Without presuming to enter further into the discrepant opinions of these celebrated Chancellors, I shall conclude with remarking, that the opinion of Lord Thurlow is more consonant with medical experience and observation.

Q. 3. Whether the symptoms are sufficiently mild to permit the patient, with propriety, to retain the possession of his property?

This will depend altogether upon circumstances. The physician, before he attempts to give an opinion, should have frequent conversations, upon a variety of topics, with the person seeking enlargement and civil rights. We have seen how ingenious some madmen are, and how far, at times, they are able to cloak their malady. I know a gentleman, whom a stranger in conversing with, would believe perfectly sane, unless he had frequent conversations with him, at different periods of time, and had been acquainted with his previous disposition. There are, as we have had occasion to explain, a species of insane, (*mono maniacs*) whose ideas and opinions are wrong on one point only. Under such circumstances so long as the delusion affects not the interest or welfare of any other person, and the individual is rational on other points, he ought not, I should suppose, to be disfranchised.

Opinions on this subject must depend upon the development of circumstances, calmly, circumspectly, and thoroughly to be examined.

Q. 4. Whether, in cases of convalescence, the recovery is likely to become permanent?

I can, in no better manner, answer this question, than in the language of the judicious and experienced Dr. Haslam. "It has sometimes occurred, that persons evidently under mental derangement, have continued to transact their affairs with prudence, and have conducted themselves quietly in society. Notwithstanding the disordered state of their ideas, they have not obeyed the impulse, nor followed the direction of their insane opinions, and have forbore to act to their own detriment, or to the annoyance of others. Several of such instances have fallen under my own observation; but the greater part have eventually destroyed themselves, or become so furious, that seclusion was absolutely necessary. It is, therefore, impossible, under a state of existing insanity, to predict the future conduct of an individual thus affected, or

* Paris and Fonblanque.

to become responsible for his harmless disposition." We are thus taught, how cautious we should be in hazarding medical opinion. That there are cases where persons have been insane, and for a long course of subsequent years, have been quite sane, so far as we can judge from their conduct and deportment, admits of no question: But the prognostic of a recovery being likely to become permanent, under almost any circumstances, would be extremely equivocal, for the predisposition, under such cases, always exists, and the malady is brought into play, or obstructed, according to the presence or absence of the other causes.

In concluding, I will presume to offer some remarks upon the making of wills. It is admitted, as a principle of law, that no will is valid which is not made by a sane person. Now, it is worthy of consideration, whether persons labouring under those severe acute diseases, which confine them to their beds, are sufficiently sane as to make as fair and equitable a will as they would do in health?

I am of opinion, that no will made on the bed of sickness should be regarded as valid, although this opinion be in opposition to an acknowledged doctrine of law; and that the law should always be "*mens sana in corpore sano*," a condition of mind or body in which few are who make wills. Wills are generally put off as one of the last acts of a man's life; but it is evident, that no man, during the pressure of pain, or having the fear of death steadily in view, can make a will so dispassionately as he would do during health.

The mind during sickness is fretful and petulant, and constantly vacillating with every little circumstance. Indignation at those, whom in health they most esteem, for fancied neglects, is of frequent occurrence; and extraordinary attachments, and strange ideas of gratitude, for designing attentions, likewise take place. It is this oscillatory feeling of the sick man, if I may so express myself, which opens the way for the vilest abuse, and most abominable injustice. It is thus that many men are left large estates and legacies without any possible claims, and those, who from their relationship, and uniform conduct, were previously held in the highest estimation, have been neglected.*

* The following cases selected from Paris and Fonblanque will illustrate the above: "Mr. Greenwood was bred to the bar, and acted as Chairman at the Quarter Sessions, but, becoming diseased, and receiving, in a fever, a draught from the hand of his brother, the delirium taking its ground then, connected itself with that idea; and he considered his brother as having given him a potion, with a view to destroy him. He recovered in all other respects, but that morbid image never departed; and that idea appeared connected with the will, by which he disinherited his brother. Nevertheless, it was considered so necessary to have some precise rule, that, though a verdict had been obtained in the Common Pleas against the will, the judge strongly advised the jury to find the other way, and they did accordingly find in favour of the will. Farther proceedings took place afterwards, and concluded in a compromise."

Law and justice were always intended to go hand in hand, and it must appear to common sense and common reason, disconnected from professional technicalities and distinctions, that any will, thus singularly made on a bed of death, should be regarded as not valid, on the ground that the individual, when making *that will*, was not in that sound state of mind which would enable him to execute so sacred an instrument. On the bed of death, the mind is, or ought to be, always revolving upon the awful change which is rapidly approaching, and other considerations must be of minor moment. But at that solemn hour, when the individual is on the threshold of eternity, he is often harrassed by the sacrilegious chicaneries of avaricious men.

It has been recommended by Blackstone and Dr. Rush, that medical men should be so far acquainted with law, as to enable them to draw out wills during the illness of their patients. It would, probably, be better for physicians to recommend the abolition of the law which allows an individual to make a will when confined by sickness to bed; because, as it has been already urged, the mind is not in a condition to make an equitable will; and if this law was rescinded, this important instrument would be made in the calm hours of reflection; when the mind is above those little petulancies and unfounded prejudices, so common in sickness, and our public records would be less stained with marks of human ingratitude and villany.

Few ill consequences would result from requiring persons' wills to be made when they were so far well as to perform the ordinary duties of life, and much evil, perhaps, obviated; for the rightful heirs are provided for by law, and the bed of death is not the place to evince our gratitude in a *testamentary manner*. It may be urged, that if the individual could be proved to have been in that state of mind which was not sound, the will could be upset, but the uncertainties, delays, expenses, and the great difficulty of coming to a precise understanding of what would, in such cases, constitute incapacity to make a will, compel most persons (in the language of the poet) "rather to bear the ills they suffer, than fly to others that they know not of." One thing is evident, that no person, suffering under an acute disease, has a full recollection of every thing which transpired during his illness, and

Again, "Mr. Scawen had left Miss Butterfield a considerable legacy; but being impressed, by his surgeon, with the idea that she had poisoned him with corrosive sublimate, he turned her out of his house and altered his will. Mr. S. died, and so evidently by mercurial poison, that Miss B. was tried for the murder, but was acquitted, there being no evidence that she was the person by whom the poison had been administered, and a considerable probability that it had been contained in some quack medicines which Mr. S. had taken. Under such circumstances a restoration of her legacy might have been expected, either from the liberality of the next of kin, or, from the interposition of a Court of Equity."

many have no recollection at all; and yet, they would not have been considered as labouring under delirium, and they would have been regarded as legally qualified to execute a will. I must apologise for thus unceremoniously offering my crude remarks on an established principle of law. There is, however, a precedent in the laws of Scotland. It is necessary in that country, that a person, making a will should, subsequently, be seen at the market, or some public place.

I have thus brought my subject to a close; I have endeavoured to convey, in a condensed and clear manner, the various topics of interest connected with the subject; and if I have not added any thing, I trust, I have not altogether failed in exhibiting its interest and importance.

