

**Monomanie sans délire : an examination of the irresistible criminal impulse theory / by A. Wood Renton.**

**Contributors**

Renton, Alexander Wood, 1861-1933.  
Savage, George H. 1842-1921  
King's College London

**Publication/Creation**

Edinburgh : T.&T.; Clark, 1886.

**Persistent URL**

<https://wellcomecollection.org/works/evnhtzxs>

**License and attribution**

This material has been provided by This material has been provided by King's College London. The original may be consulted at King's College London. where the originals may be consulted.

This work has been identified as being free of known restrictions under copyright law, including all related and neighbouring rights and is being made available under the Creative Commons, Public Domain Mark.

You can copy, modify, distribute and perform the work, even for commercial purposes, without asking permission.

**wellcome  
collection**

Wellcome Collection  
183 Euston Road  
London NW1 2BE UK  
T +44 (0)20 7611 8722  
E [library@wellcomecollection.org](mailto:library@wellcomecollection.org)  
<https://wellcomecollection.org>

MONOMANIE SANS DÉLIRE,

AN EXAMINATION OF

“THE IRRESISTIBLE CRIMINAL IMPULSE  
THEORY.”

BY

A. WOOD RENTON, M.A., LL.B.,

OF GRAY'S INN, AND OF THE OXFORD CIRCUIT, BARRISTER-AT-LAW.

Price Three Shillings and Sixpence.

Ren



G:H:SAVAGE, M:D:

E LIBRIS

Reade me with the Eyes o' the Minde  
The Goode is in mee see thou ffinde  
And sith Bookes be but worke of Manne  
The Evill in mee looke thou banne

G:h:n:1877

200931203 7



INST. PSYCH.



MONOMANIE SANS DÉLIRE.

PRINTED BY MORRISON AND GIBB,

FOR

T. & T. CLARK, LAW PUBLISHERS, EDINBURGH.

GLASGOW, . . . . .	J. SMITH AND SON.
LONDON, . . . . .	STEVENS AND SONS.
“ . . . . .	STEVENS AND HAYNES

# MONOMANIE SANS DÉLIRE,

AN EXAMINATION OF

“THE IRRESISTIBLE CRIMINAL IMPULSE  
THEORY.”

BY

A. WOOD RENTON, M.A., LL.B.,

OF GRAY'S INN, AND OF THE OXFORD CIRCUIT, BARRISTER-AT-LAW.

EDINBURGH:

T. & T. CLARK, 38 GEORGE STREET.

1886.



22577

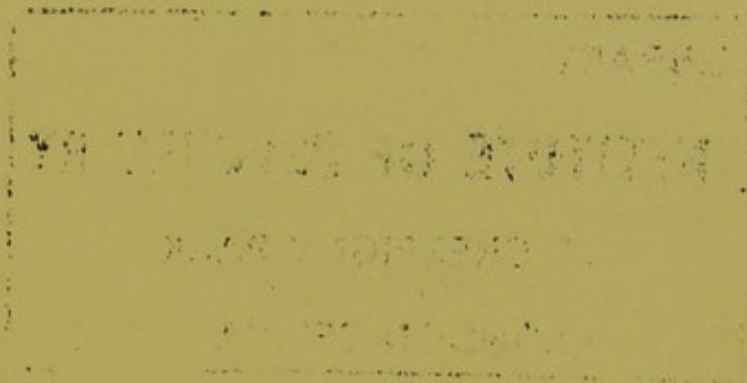
LIBRARY

**INSTITUTE OF PSYCHIATRY**

DE CRESPIGNY PARK

LONDON SE5 8AF

“C'est *l'homo duplex* de S. Paul, poussé au mal par  
un motif, retenu par un autre.”



TO

SIR BENJAMIN CHILLEY-CAMPBELL PINE,

K.C.M.G.,

*This Essay is Dedicated*

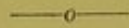
AS A MARK

OF

GRATITUDE AND HIGH ESTEEM.



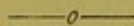
## CONTENTS.



	PAGE
INTRODUCTION, . . . . .	3
CHAPTER I.	
PYROMANIA, . . . . .	15
CHAPTER II.	
EROTIC MANIA, . . . . .	23
CHAPTER III.	
HOMICIDAL MONOMANIA, . . . . .	37
CHAPTER IV.	
THE CAUSES CÉLÈBRES OF HOMICIDAL MONOMANIA, . . . . .	57



## MONOMANIE SANS DÉLIRE.



### INTRODUCTION.

MONOMANIE SANS DÉLIRE is partial moral insanity, and moral insanity is a perversion of the affections, without any perceptible lesion of the intellectual faculties.

The writings of many continental, and a few English, medical jurists contain a minute diagnosis of this disease. At the end of the 18th century, M. Pinel, whose humane labours in the Bicêtre were an honour to his profession and his country, expressed the conviction that there are maniacs who at no period give evidence of lesion of the understanding, but who are under the dominion of instinctive and abstract fury. M. Esquirol<sup>1</sup> at first believed that “dans la manie sans délire l’intelligence est plus ou moins lésée :—l’action intellectuelle est suspendue,” but he, too, soon came to adopt and to elaborate the opinion of Pinel :—“ces monomaniaques ne déraisonnent pas, mais leurs affections, leur caractère, sont pervertis. La volonté est lésée. . . . Tantôt les facultés intellectuelles du monomaniaque ne présentent aucun désordre, et cependant il

<sup>1</sup> *Des Maladies Mentales*, tom. ii. p. 5.

given an historic interest, — as to whether medical experts alone are competent to infer the existence of *monomanie sans délire*.<sup>1</sup> The really important consideration is that *such inferences have been drawn*. M. Regnault would have rendered a greater service to jurisprudence had he bent his energies to *testing their logical worth*. And yet he is not altogether without excuse. For the medical reports, which Dr. Ray<sup>2</sup> invites the legal profession to accept in a spirit of “modest teachableness,” and with a becoming regard for “the results of other men’s labours,” are in truth disfigured by nearly every blemish which it is possible for scientific *observations* to possess. To precision of language Dr. Prichard and Dr. Ray are strangers, and even the most eminent of their continental masters frequently forfeit all claim. In the literature of *monomanie sans délire* there is a redundancy of such scientific comments as these: “there was originally an error in her education which would have required that her mind should be remodelled ere she could be pronounced sane.”<sup>3</sup> “The diseased propensities of the individual were displayed in such a

<sup>1</sup> The test proposed by Marc (*De la Folie*, ii. p. 205) is this: “Le degré d’enchaînement de la liberté morale chez les aidoiomaniaques devra être mesuré sur la nature plus ou moins insolite, extraordinaire, de leurs actes, ainsi que sur les manifestations intellectuelles qui les accompagnent.”

It is, to say the least, arguable that this test may be applied by a metaphysician as safely as by a medical expert.

<sup>2</sup> P. 45.

<sup>3</sup> Prichard. The facts of this case were these: A young lady, aged 23, had just “come out” in society, when her father’s affairs became embarrassed, and she was obliged to retire from the new life on which she had so recently entered. She grew sullen in temper, vulgar in her manners,

manner as to render necessary his confinement in a lunatic asylum.”<sup>1</sup> The brain of Feldtmann was in “a condition different from that of health.” “Tout son être était absorbé par la sensualité.”<sup>2</sup>

It is, however, not so much in their literary style as in their controversial methods, that the surprising powers of the alienist physicians are conspicuously displayed. “Si l’on remarque,” says Hoffbauer, “que l’aliénation mentale n’est et ne peut être que le résultat d’une maladie physique, on verra que le médecin est le seul arbitre qui réunisse les conditions nécessaires pour éclairer la conscience du juge. Nous ne parlons ici que du médecin qui a fait une étude particulière des maladies mentales.”<sup>3</sup>

If indifference to consistency, superiority to the rules of logic, a settled habit of gratuitous assumption, and a knack of mistaking conjecture for inference, are the “conditions nécessaires” to which the learned doctor here refers, then I readily admit—what a very cursory examination of their elaborate treatises will clearly illustrate—that M. Esquirol and his brethren possess these indispensable qualifications in a marked degree.

When his theory is subjected to judicial scrutiny or hostile cross-examination, the medical expert contends that *monomanie sans délire* is an inference which he

and negligent in appearance and dress. Here it is difficult to see anything more than the petted conduct of a spoiled, coarse-minded, and disappointed girl. Dr. Prichard’s mysterious comment, however, destroys the claim of this case to be considered an illustration of moral eccentricity.

<sup>1</sup> Prichard, p. 26.

<sup>2</sup> Gall, tom. iii. p. 201.

<sup>3</sup> *Médecine Légale* (par M. Chambeyron), p. 378.



alone is competent to draw. But when the facts on which he relies are *primâ facie* doubtful, when dissentient voices are whispering, "If this is insanity, what is crime?", this lofty position of exclusive jurisdiction is promptly abandoned, and no adminicle of evidence, however feeble in itself, however contemptible in its origin, is disregarded. Dr. Prichard<sup>1</sup> is not ashamed to adduce in favour of the moral eccentricity of a patient, the loose observations of a casual visitor "who was shocked to find her in so low a way:" M. Esquirol is content to prove the irresistible propensity of an incendiary monomaniac by an excerpt from the speech of her advocate—" Cette fille, âgée de 17 ans, dit son avocat, proteste avec un accent de conviction qui ne saurait laisser de doute qu'elle a mis deux fois le feu, par instinct, par irrésistible besoin;" while in the case of Feldtmann, whose mental state was a question of the utmost nicety, Marc admits<sup>2</sup> the depositions of Pastor Gœppe, " Que Feldtmann lui avait paru affecté d'une sorte d'idiotisme, que c'était un homme dont les idées tournaient dans un cercle extrêmement restreint, et qui était souvent entêté comme le sont ces sortes de gens," of the woman with whom Feldtmann had lived in concubinage—" Qu'il avait souvent la tête perdue : qu'il tenait des propos désordonnés, faisait habituellement des folies, particulièrement les vendredis et les jours de pleine lune," and of Feldtmann himself—" Que dans sa jeunesse il a eu la tête perdue ce qui l'a rendu comme fou pendant quelque temps."

<sup>1</sup> *Cases*, pp. 36-70.

<sup>2</sup> *De la Folie*, i. 24.

Not less remarkable is the use which the advocates of *monomanie sans délire* make of the admissions and statements of the victims of this disease. When the patient comes with a glib story of terrible impulses, protracted resistance, and involuntary surrender, he is unhesitatingly believed; but if he laughs at the subtlety of his physician, and assigns a motive for his conduct, which if not adequate is at least appreciable, his testimony is regarded as proof of nothing but the inveterate character of his malady.<sup>1</sup>

<sup>1</sup> *E.g.* Marc, ii. chap. ix. *obs.* 85. M. N. was sombre in character, and had his moral qualities little developed. "Privé de son père dès l'âge de quatorze ans il était sans tendresse, sans épanchement pour sa mère." "Ni ses discours; ni ses actions n'indiquent la folie: mais il déclare qu'il se sent une sorte d'impulsion qui le porte au meurtre, qu'il est des instants où il aurait plaisir à répandre le sang de sa sœur, à poignarder sa mère." When the horror of this was pointed out to him, "Il répondit, froidement.—Alors je ne suis plus le maître de ma volonté."

Again, Hoffbauer (par Chambeyron): "Une femme qui avait pris son mari avec aversion avait conçu peu après la bénédiction nuptiale le projet de le tuer, projet qu'elle nourrit avec le plus grand sang froid jusqu'au vingtième jour après la cérémonie. Elle avait été demandée en mariage longtemps auparavant par ce même homme et l'avait constamment refusé à cause de son ineptie: mais, soit adresse soit violence il parvint à jouir d'elle, alors craignant d'être enceinte, elle se hâta de consentir au mariage." This fear proved groundless, and then, "toute sa haine revint, avec le sentiment de sa liberté perdue et de son malheur présent et à venir. Elle s'en tourmentait et priait Dieu de lui envoyer d'autres idées, mais celle-là la poursuivait toujours," etc. Finally, she strangled her husband. Here we have the remarkable spectacle of a woman praying God for relief from a desire which she is cherishing with the utmost *sang froid*. The comment of the reporter on this case reveals a curious theory of homicide by necessity, "Entre le supplice et une vie de souffrance elle avait choisi le mal qui lui semblait le moindre."

Cf. with these cases, Esquirol's account, tom. ii., of the lady who said of herself, "D'ailleurs je suis contente de ma manière d'être." Duprest-Rony's *Satyriasis*, case 8; and *Annales d'Hygiène Pub.*, tom. iii. pp. 198-220, *Sieur D*—.

But the alienist physicians exhibit still more striking feats of intellectual athletics. Moral insanity is a *perversion* of the moral faculties. To make out a case of moral insanity, the reporter must, therefore, carefully trace the history of this perversion. Now in the literature of nymphomania, which Cabanis eloquently describes as “maladie étonnante par la simplicité de sa cause, maladie dégoûtante par ses effets, et qui transforme, tôt ou tard la fille la plus timide en une bacchante, et la pudeur la plus délicate en une audace furieuse dont n’approche pas même l’effronterie de la prostitution,”—here is how this painful transformation is repeatedly dealt with—the patient led “avant sa maladie une conduite fort régulière à ce qu’on dit;”<sup>1</sup> “une dame âgée de soixante dix ans était possédée de la plus dégoûtante fureur utérine. Sage et modeste jusqu’à l’âge de soixante dix ans, elle devint tout à coup d’une horrible impudicité.”<sup>2</sup> “Une femme appartenant à une famille, occupant dans sa ville une situation distinguée, mère de deux jeunes filles en âge de se marier.”<sup>3</sup>

In the following selection of cases, which need no comment, the unchastened licence of speculation and conjecture is beautifully illustrated:—

1. *Trial of Lacasin.*<sup>4</sup> On the night of 25th July 1829, Lacasin and a friend had been drinking together at the tavern of “Tribale-Haute.” They separated at

<sup>1</sup> Marc, ii. p. 211, obs. 106. Recorded by Buisson.

<sup>2</sup> Marc, ii. obs. 104.

<sup>3</sup> Raige-Délorme’s *Dictionnaire*, etc., tom. iv. p. 824.

<sup>4</sup> Marc, ii. p. 304 et seq., obs. 131.

the Tribale, and when Lacasin rejoined his comrade at La Capelle, he had set on fire two granaries of hay, and was still carrying a lighted torch. He made little effort at concealment. For this offence he was tried, convicted, and executed. "Il est constant," says Marc (p. 311), "que Lacasin avait la tête troublée par les fumées du vin." "Or, ne doit-on pas regretter (p. 312) qu' avant sa mise en jugement Lacasin n'ait pas été soumis à un examen médical approfondi." Marc then proceeds to display at least his own qualifications for conducting such an inquiry: "N'existe-t-il pas dans cette affaire un ensemble de circonstances qui permet de concevoir des doutes sur l'intégrité mentale de ce malheureux (!) pendant l'exécution du crime? D'abord absence de tout motif raisonnable, puis incurie, imprudence extrême, lors de la combinaison des moyens de cacher son crime. Non seulement il conserve entre ses mains et en présence de témoins le tison—mais il réveille encore par ses chants les habitants des hameaux voisins. Enfin, l'exaltation produite chez lui par l'abus du vin, bienqu'elle n'ait pas été jusqu' à l'ivresse complète, ne doit-elle pas jeter des doutes sur sa situation mentale, et permettre de supposer qu'il a pu se développer en lui un état de pyromanie instinctive?"

2. "Une jeune paysanne, âgée de quatorze ans mit le feu, après avoir été maltraitée par sa maîtresse. Elle avoua tout, et ne donna aucun signe d'aliénation mentale. Cependant la Faculté de Leipzig, se fondant d'une part sur la faiblesse des facultés morales, et d'une autre part sur l'absence de tout développement

sexuel chez cette fille, déclara *qu'elle avait agi par simplicité enfantine et par défaut de maturité d'esprit.*"<sup>1</sup>

This opinion, which is more honourable to the hearts than to the heads of the learned Faculty, is regarded by Marc with despairing wonder.<sup>2</sup> "Il faut le dire malgré le progrès de notre jurisprudence criminelle pratique, nous ne sommes pas encore arrivés à ces investigations médico-légales rigoureuses, je dirai presque minutieuses, sur l'état mental des incendiaires, dont l'Allemagne nous offre de si nombreux exemples."

Upon such evidence as this, sometimes contradictory, for the most part inconclusive, always ill-assorted, the theory of *monomanie sans délire* is raised—a monument of unskilful advocacy and misdirected labour. "Les médecins . . . substituent trop souvent aux lumières naturelles de la raison, les ignorances ambitieuses de l'école."

<sup>1</sup> Marc, ii. p. 304 et seq. obs. 150.

<sup>2</sup> Marc, ii. p. 329.

PYROMANIA.



## CHAPTER I.

### PYROMANIA.

“IL y a une variété de monomanie sans délire caractérisée par une impression instinctive à incendier.”

The existence of this form of moral insanity, according to M. Esquirol, needs no demonstration—*les faits sont là*; but the cases which he cites are far from warranting this confident assertion. Some are so imperfectly reported as to prove nothing at all; in others, the incendiary propensity is admittedly a manifestation of intellectual disorder: in others it is stimulated by appreciable motives; a fourth class can be explained by malevolence or childish mischief; while not a single case is brought forward of an instinctive and motiveless impulse to incendiarism.

To the first class belong such illustrations as these:—

“Eve Schebomska, âgée de vingt-deux ans, mit quatre fois le feu. Elle se dit tourmentée par une agitation qui la poussait à incendier. Suivant la déclaration de sa maîtresse, cette agitation qui du reste ne l'empêchait pas d'exécuter ses travaux domestiques



devenait plus forte lorsque cette fille était restée quelque temps sans voir son amoureux, don telle avait eu déjà un enfant.”<sup>1</sup>

How can any conclusion be drawn from such a meagre and incoherent report? How *recently* had this girl been confined? Was she in a state of puerperal fever? Had her seducer deserted her? If not, what possible relevancy can her confinement have? Again, what was her previous history? Under what circumstances did the incendiary propensity manifest itself? What evidence of resistance was there, except her own statement?

“La servante d’un paysan nommée Kalinovska, âgée de dix sept ans, revenant de la danse où elle s’était très-échauffée, fut prise, tout à coup, d’une propension incendiaire. Elle déclara avoir éprouvé une grande anxiété dont elle n’a pu se délivrer que le troisième jour en satisfaisant son envie. Elle éprouva en voyant le feu éclater une joie telle qu’elle n’en avait jamais ressenti de pareille.”<sup>2</sup>

No doubt it is possible by liberal and gratuitous assumptions to supply the elements whose presence would make this a case of pyromania: to suppose that this girl was sound in mind, that she honestly resisted her insane impulse, and ultimately yielded to it in spite of herself. But then it is equally possible, and, if assumption is to be admitted at all, equally legitimate, to suppose that her *propension incendiaire* was no

<sup>1</sup> Marc, ii. p. 304 et seq. obs. 146.

<sup>2</sup> Marc, ii. pp. 304 et seq. obs. 139.

extraordinary impulse, but simply "une grande anxiété" which excitement, perhaps wine, had rendered irresistible. Upon Marc lay the onus of excluding these hypotheses. He has not done so. Therefore the case on which he relies is worthless, and may be dismissed without comment.

In the following cases, mentioned by Esquirol, there is clear evidence of delusion: A gentleman set fire to a house imagining himself commissioned by God to do so, or thinking that his enemies had entrapped him there. Jonathan Martin set York Cathedral in flames, believing that heaven had entrusted him with the sacred duty of purifying it as Christ had purified the Temple, etc. etc.<sup>1</sup>

In a third class of cases the incendiary act is prompted, not by any irresistible impulse, but by a perfectly intelligible motive. Sometimes it is jealousy. Thus in 1830<sup>2</sup> a woman, Toussaint, was tried for burning down a building in which Victoire Durieux, her husband's mistress, slept—*par jalousie* . . . .

<sup>1</sup> See also Marc, ii. pp. 304 et seq.

Obs. 127. A case of "Désordre intellectuel."

„ 128. Where a religious monomaniac tried to burn herself.

„ 130. Do. La femme Renoul. 1833.

„ 134. Do. La fille Bailleul.

„ 135. Pierre Saisson: a false confession of incendiarism.

„ 149. A case of incendiary mania, supervening upon epileptic fits, where the Faculty of Leipsic gave as an opinion — "Qu'en considérant l'état physique de la prévenue on ne pouvait affirmer avec vraisemblance et encore moins avec certitude qu' à l'époque ou elle avait mis le feu elle aurait agi avec le libre usage de ses facultés intellectuelles."

<sup>2</sup> Marc, ii. obs. 132.

*et par vengeance pour les propriétaires de la maison, qui favorisaient cette inconduite.* At other times the *propension incendiaire* springs from the desire of escaping from obnoxious domestic service.<sup>1</sup>

*E.g.* “un garçon, *de moins de quatorze ans*, après avoir reçu une correction, et pour pouvoir retourner chez ses parents — mit le feu à l'écurie de son maître.”

“Une fille, *âgée de quatorze ans*, qui dans l'espace d'un an incendie deux fois, afin de quitter ses maîtres, et de retourner chez ses parents. Lors du premier incendie, elle venait d'avoir à peine quatorze ans : et lors du second, elle n'avait que quatorze ans et six mois.” The confession of the prisoner left no doubt as to the facts in this case, but the question of her “responsibility” was referred to the Faculty of Leipsic. That learned body, after one of those rigorous and minute investigations which roused the admiration and envy of Marc, replied—“Que chez les enfants, surtout chez les jeunes filles, la nostalgie est une passion des plus violentes et en même temps des plus naturelles : que la menstruation, lorsqu'elle n'est pas encore normalement établie, exerce une influence sur l'état moral du sexe féminin—que l'accusée s'est trouvée à la fois dans un âge critique.” The prisoner was acquitted on the first, and convicted on the second charge.

<sup>1</sup> Marc, ii. obs. 151. Cf. obs. 140, 142, 144, 145. Obs. 147. “Deux incendiaires mécontentes de leur position, afin de quitter le service.”

Most frequently, incendiary monomania is simply juvenile malevolence. Thus, "la fille Hartmann"—(aged eleven years)—"a allégué parmi ses motifs le désir de voir un grand feu;" Bertheim, "delectabatur minimum non rapidarum flammarum illustri fulgore, quæ puerorum nonnunquam levitas esse solet, sed misero et tristi spectaculo cum ejulatu et clamore currentis per vias et campos, illaque rerum omnium perturbatione et confusione;" while in Maria Franck the incendiary impulse became irresistible only *when she had had a few coppers' worth of spirits*.<sup>1</sup>

Perhaps the most amusing illustration of cases of this class is that of Jane Walls.<sup>2</sup> At the age of twelve she entered the service of a farmer at Barkingside, near London. Shortly after entering on her new duties she set fire to an old bed with a lighted candle. Examined before a magistrate, this victim of an irresistible incendiary impulse thus expressed herself: "I was curious to see the effect of the flame; I did not think I was doing wrong in setting fire to a worthless bed, he is rich enough to buy another. If I had known that I would be hanged for having made a fire in fun, I would not have done it."

The magistrate, however, "finding no proof of malevolence," illogically treated the case as a misdemeanour.

Such cases as these—and they are many—justify

<sup>1</sup> Marc, ii. obs. 148. Obs. 153.

<sup>2</sup> Marc, ii. obs. 155.

the significant comment of Masius : "La propension incendiare consiste en un extrême désir de voir un grand feu, surtout chez les enfants bien simples, qui ne cachent pas la joie qu'ils ressentent en apercevant une grande flamme."

EROTIC MANIA.



## CHAPTER II.

### EROTIC MANIA.

IN erotic mania the sexual propensity is abnormally active. This abnormal activity may either affect the imagination alone, or manifest itself also in the physical organization. In the former case the disease is termed erotomania, in the latter aidoiomania, which again is subdivided into nymphomania (*chez les femmes*) and satyriasis (*chez les hommes*). The evidence in favour of this disease, though happily limited in range, is of an unpleasant character. But as Dr. Ray considers it sufficient "to convince the most sceptical mind" of the existence of moral insanity, it is impossible to decline his challenge, or to shrink from the discussion of a subject which is painful in its nature and revolting in its details.

As regards erotomania little need be said. For this disease acts upon the imagination alone:<sup>1</sup> its victims never transgress the bounds of decency:<sup>2</sup> it is not a

<sup>1</sup> Esquirol: "L'imagination seule est lésée."

<sup>2</sup> Esquirol: "Ne sortent jamais des bornes de la décence."

The following are cases of erotomania reported by Esquirol, Gall, and Marc:—

(1) A married lady, aged 32, who is stated to have been of a highly nervous temperament, fell in love with a young man, left her husband



furious aggressive passion such as swayed the disordered thoughts of Julie, but a gentle melancholy, such as hopeless love and moody loneliness bred and nurtured in the bosom of Eloise. "L'aidoïomanie qui constitue la nymphomanie ou l'uteromanie chez les femmes, et la satyriasis chez les hommes, diffère si essentiellement de l'érotomanie qu'elles ne sauraient être confondues l'une avec l'autre."<sup>1</sup> Very different is the medico-legal importance of aidoiomania. An

and returned to her father's house, where she made herself obnoxious by talking of her lover incessantly, etc. (Esquirol).

(2) Laura, the daughter of a Protestant minister, and a young officer being passionately enamoured, took a mutual oath that whichever of them first broke their plighted troth should be killed by the other. Against her will Laura was engaged to an advocate. Her former lover presented himself at the wedding dance, stabbed her to the heart, and then surrendered to justice, saying, "Maintenant tu es à moi: sous peu je te rejoindrai" (Marc, ii. 187).

(3) A young Englishman, whose suit had been unsuccessful, "tomba dans un état de roideur tétanique et resta comme une statue dans son fauteuil, les yeux ouverts, et incapable d'exécuter le moindre mouvement." A friend cried out to him, "Que son affaire prenait une meilleure tournure, et qu'il posséderait la personne tant désirée. Dès qu'il serait rétabli" (Marc, ii. 187, obs. 99).

(4) A young lady, wealthy, richly endowed by nature, and the idol of parents who spoiled her character, became morose, capricious, and sentimental, stayed constantly in the house, read unhealthy books, and indulged too freely in stimulants. In this state of body and mind she fell in love at a ball with a young officer, who unfortunately did not return her affection. Whereupon she became a prey to melancholy, from which she was temporarily roused by a ruse of her medical man, who personated her lover, visited her, and tenderly bade her adieu (Marc, ii. 187, obs. 100).

Cf. the episode of the jailor's daughter in *The Two Noble Kinsmen*, by Shakespeare.

(5) "Une jeune fille, nymphomane, dont les parents trop sévères contrariaient les amours, voulait dans un accès de désespoir se précipiter dans un puits; lorsqu'on la maria à un jeune homme, vigoureux et très-ardent—ce remède eût les plus heureux effets" (A. S. Belmer, *Nymphomanie*).

<sup>1</sup> Marc, ii. 193.

irresistible impulse to sensual indulgence, if it exists, will exempt its unfortunate victims from criminal responsibility. But then in the interests of justice, morality, and social order, law is entitled to demand very clear evidence of its existence. This plea, which is to be a valid excuse for a class of offences disgraceful to human nature, for assaults upon the honour of women, for foul outrages wreaked by brutal maturity upon helpless infancy, must be established by facts and not by the authoritative *ipse dixit* of any medical advocate, however eminent he may be.

Now aidoiomania, if it is to serve the purposes of Dr. Ray and his brethren, must answer to the following definition—a violent sexual propensity, involuntarily gratified and unaccompanied by any perceptible lesion of the intellectual powers. The disease consists in an irresistible propensity; the strength of the propensity is to be measured, not by the extent to which it is gratified, but by the extent to which it is honestly though unsuccessfully resisted. The ideal aidoiomaniac must be hurried on to the indulgence of his passions by an impulse which he loathes, wrestles against with tears and prayers, and yet cannot overcome. Now, in the literature of aidoiomania there is not one case which satisfies these essential conditions. The *observations* of Gall, Esquirol, and Marc may be grouped under three heads.<sup>1</sup>

<sup>1</sup> A separate class might be made of those cases in which the morbid propensity was excited by intoxicants or drugs. See Duprest-Rony, *Satyriasis*, Illustrations (5), (6), and (7).

1. *Cases where an irresistible sexual impulse was associated with intellectual insanity.*—Of this class, the cases recorded by Marc and Buisson<sup>1</sup> where the patient “après un grand excès de libertinage perdit la raison,” and where nymphomania supervened upon “un état d’imbecilité absolue,” may be taken as examples. Possibly the elaborate history of Sieur M—— D——<sup>2</sup> should fall under the same category.

2. *Cases of violent impulses successfully resisted.*—Of such are the following instances:—

“Une dame âgée de quarante-neuf ans—éprouva dès l’âge le plus tendre—*un penchant extraordinaire pour les plaisirs vénériens auquel sa volonté fut toujours étrangère*: à huit ans l’accouplement des animaux l’irritait et l’entraînait irrésistiblement à des attouchemens illicites.” Having vividly described the strength of this impulse, Bayard, to whom belongs the honour of placing the *observation* on record, thus proceeds: “*Du reste dans la société cette dame s’imposait une telle réserve que rien ne transpirait de ces dispositions qui la désolaient amèrement.*” “*Cette dame chez laquelle le tempérament seul entraînait le désordre ne proférait, même durant ses accès, aucune parole déplacée: de sorte que sa conversation offrait un contraste complet avec l’état de ses sens.*” “Elle était, il

<sup>1</sup> *Ad. loc. cit.* obs. 103 and 106.

<sup>2</sup> *Ann. d’Hyg. Pub.* tom. iii. pp. 198 to 220. This man was arrested in 1800, in 1811, in 1816, and again in 1826, for sending indecent letters to ladies of high rank. On each occasion he was placed in an asylum. He stoutly denied the genuineness of the letters, “soit d’un oubli réel des accès de délire, soit d’un système de dénégation qu’il regarde comme utile à ses intérêts.”

est vrai, singulièrement retenue par la présence de deux jeunes demoiselles, qui n'ont jamais connu ni même soupçonné la maladie véritable de leur mère.”<sup>1</sup>

Now it is true that the passages which he has placed in italics show, as M. Bayard intended, that this lady was in full possession of her intellectual faculties. But they point also to a fact—to which the reporter does not seem to have been sufficiently alive—viz. that these propensities were *not irresistible*. In society and in the presence of her daughters this lady could absolutely control her *lips*. Had she ever striven to control her *thoughts*?

“Un jeune homme,<sup>2</sup> très bien élevé et rempli de talents, qui depuis son enfance s'était violemment entraîné aux idées érotiques les maîtrisait jusqu' à un certain point à l'aide de son penchant également décidé à la dévotion. Lorsque les relations sociales lui eurent permis de se livrer sans contrainte aux plaisirs de l'amour, il ne tarda pas de s'apercevoir avec une espèce d'effroi, que souvent il lui devenait très difficile de détourner son attention des images voluptueuses. Tout son être était absorbé par la sensualité. Pour ne pas succomber tout-à-fait il se trouvait forcé de s'occuper assidûment d'objets scientifiques, ou de se créer quelque nouvelle occupation favorite.” In justice to Gall it should be observed, that he reports this case, not as proving the existence of irresistible sensual impulses, but in order to introduce his peculiar views

<sup>1</sup> *Ann. d'Hyg. Pub.* tom. xix. p. 421. Bayard, *La Nymphomanie*.

<sup>2</sup> Gall, *Op.* vol. iii. p. 201 (edition by Lewis).

as to the functions of the cerebellum. Thus his comment upon it is "son cervelet est d'une grandeur peu ordinaire."

"Une dame très-spirituelle<sup>1</sup> était tourmentée également depuis son enfance par les désirs les plus désordonnés ; l'éducation très-soignée qu'elle avait reçue fut seule capable de la sauver des démarches les plus inconsidérées aux quelles la portait la violence de son tempérament——. La jouissance ne paraît que les irriter. Réduite au désespoir, elle abandonna sa maison, quitta la ville et se réfugia chez sa mère dans une campagne isolée où le défaut d'objets, la plus grande sévérité de mœurs et les soins du jardinage prévinrent l'éclat du mal." Threatened with a second attack on her return to town, "elle vint me trouver à Paris et se plaignit à moi comme une femme au désespoir. Partout, me dit-elle, je ne vois que les images les plus lubriques ; le démon de la luxure me poursuit sans relâche en tous lieux, à table, dans mon sommeil même ; je suis un objet de dégoût pour moi-même ; oui, je le sens, je ne puis plus échapper à la manie ou à la mort." Here again Gall's comment is noteworthy, "On voit par ces exemples que les personnes dont le cervelet a acquis un développement plus qu'ordinaire ont une disposition naturelle à la manie érotique" (p. 203).

The following case is cited by Duprest-Rony ;<sup>2</sup> the patient was a young man, twenty years of age. From his fifteenth to his eighteenth year he had been

<sup>1</sup> Gall, vol. iii. p. 202.

<sup>2</sup> Case 1, *ad loc. cit.*

addicted to onanism, "Et avait quelquefois porté le nombre des pollutions, jusqu' à quinze dans un jour." His constitution and memory were thereby affected. At the age of eighteen he abandoned this fatal habit, and when the incident under consideration took place had in great measure recovered his strength of body and mind. His friends had placed him in the counting-house of a friend, whose wife treated him with great kindness. Mistaking the character of this lady's attentions, he conceived a violent passion for her. "Placé entre la crainte de violer les devoirs de la reconnaissance, et le désir de posséder cette femme, qui n'était cependant ni jeune ni jolie, sa situation devint de jour en jour plus pénible et plus embarrassante;"—then followed derangement "dans les facultés intellectuelles." He had been reading Racine's *Phèdre*, and imagining himself Hippolyte, he appealed to Thésée to save him from the tears and prayers of Phèdre or take the consequences. He was sent away and soon recovered.

The temptation of S. Antoine,<sup>1</sup> subjected "sans cesse aux prises avec les demons qui sous la forme de femmes enchanteresses viennent emouvoir ses sens," etc., and the illusions of the Curé de Cours, "Que le gouverneur de sa province lui offre toutes les beautés de la cour de Louis XV. pour le faire renoncer à la continence," are cases of the same kind.

3. *Cases of excessive indulgence without any resistance at all.*—*E.g.*<sup>2</sup> a shepherdess, twenty-two years of age,

<sup>1</sup> Marc, *ad loc.cit.* obs. 101.

<sup>2</sup> *Ibid.* obs. 105.

“dans la solitude qui l’environnait, victime de l’activité de son imagination, et de l’effervescence de ses sens . . . contracta des habitudes honteuses qui portèrent une atteinte funeste à sa santé. Cette fille se cachait dans des broussailles . . . pour satisfaire à son pernicieux penchant. Deux ans s’écoulerent et tous les jours on voyait progressivement ses facultés intellectuelles s’affaiblir ; elle devint comme stupide.”  
 Soon the case terminated, as might have been anticipated, in mania.

Madame D——<sup>1</sup> enjoyed perfectly good health till the eighteenth year of her age: She then fell into a state of profound melancholy, succeeded by “une gaîté folle,” whilst “un penchant *irrésistible* (?) . . . l’entraînait vers les hommes.” She was twice married, but both husbands died within a short period of each other. The disease was cured by change of air, society, and occupation.

“A man had lived many years<sup>2</sup> in a happy and fruitful union, and had acquired by his industry a respectable fortune. After having retired from business and led an idle life, his *predominant propensity* (?) gradually obtained the mastery over him, and he yielded to his desires to such an extent that, though still in possession of his reason, he looked on every woman as a victim destined to gratify his sensual appetite. The moment he perceived a female from the window he announced to his wife and daughters *with*

<sup>1</sup> A. S. Belmer, *Nymphomania*, p. 27.

<sup>2</sup> This case and the next are cited by Ray.

*an air of the utmost delight* the bliss that awaited him. Shortly afterwards he became insane."

"A man had *creditably filled his place in society* till his fiftieth year. He was then smitten with an immoderate passion for venereal pleasures. He frequented places of debauchery where he gave himself up to the utmost excesses. He soon became a victim of furious mania."<sup>1</sup>

In such cases as these, according to Dr. Ray, *aidoiomania* assumes its most virulent form: "The mind is finally overwhelmed by the force of this frightful propensity and sinks into complete and violent madness." The learned doctor seems for the moment to have forgotten what *aidoiomania* really is. It is *not* excessive venereal indulgence. We need no elaborate treatises, no minute *observations* to prove the existence and the dangers of "solitary sinning," or furious sensualism. Nor is it merely a violent and extraordinary propensity. There are such propensities in every human breast, but the duty of reason is to check their

<sup>1</sup> To the same class belong the following cases, cited by Duprest-Rony, *Satyriasis*, Paris 1804.

*Case 4.* The patient "ne parlait que du bonheur des mahométans de leurs serails, etc. etc."

*Case 8.* "Un marchand, devenu veuf, épousa sa servante, jeune et belle et passa dans ses bras la plus grande partie de la première nuit. Il s'endort, mais bientôt, troublé par des songes pénibles, il se réveille en délire et tient les propos les plus obscènes."—His friends called in Abheer, who gave him a soporific. "Remis par ce repos il se leva, reprit ses occupations accoutumées et *feignit* d'avoir perdu la mémoire des choses qu'il avait dites et qu'il imputait à un songe." To any one but an advocate interested in making out his case, the merchant's explanation would be entirely satisfactory.

See also *Case 9*, a sensational and prurient story of bad dreams.



violence; and one of the chief functions of law is to punish their extravagances.<sup>1</sup> Still less is *aidoiomania* a group of moral symptoms accompanying clear intellectual insanity. It is a propensity to sensual indulgence, which rises, whether slowly or suddenly matters not, but irresistibly to its insulting triumph over the reason, the conscience, and the will. The existence of this disease can be a legitimate inference only when these elements combine,—a violent impulse, a prolonged and intelligent resistance and an involuntary gratification. If these remarks are just, they are fatal to Dr. Ray's theory. No doubt the elements referred to are to be found *singly* in many of the cases, an analysis of which has been attempted. But *aidoiomania* consists in their *combination*. In what single instance do they combine? The "well-educated young man" who made "the fearful discovery that it was often difficult for him to withdraw his mind" from voluptuous images, is saved by his devotional feelings and his new pursuits. The "very intelligent lady" who was haunted by the demon of lust, resisted him successfully without invoking the aid of mania or death. Both cases, therefore, fall short of the definition just at the critical point. In both we have the sensual impulse; in neither is it irresistible. On what then

<sup>1</sup> "J'ai des passions très-ardentes, et tandis qu'elles m'agitent, rien n'égale mon impétuosité: je ne connais plus ni ménagement, ni respect, ni crainte, ni bienséance: je suis cynique, effronté, violent, intrépide: il n'y a ni honte qui m'arrête, ni danger qui m'effraye: hors le seul objet qui m'occupe, l'univers n'est plus rien pour moi."—Rousseau, *Confessions*.

does Dr. Ray's theory rest? There is the case of the man who indulged his passions so immoderately that soon he became a maniac indeed. But what evidence is there that this man ever resisted his unholy desires? He had "accumulated a considerable fortune." He had "creditably filled his place in society." What light do such details throw upon his private character? Then we have the story of the man who retired from business and occupied his leisure with the actual or imaginary gratification of his passions till he looked on every woman as an instrument to his lust. What of this man's early habits and character? If he is the victim of aidoiomania, he has become so after a long and painful struggle between his reason and his disease. Where is the history of that struggle? That he had lived "in a happy and fruitful union," that his industry had "acquired a respectable fortune," and that "his predominant propensity gradually obtained the mastery over him," are the only scraps of family information which Dr. Ray has vouchsafed to supply.



HOMICIDAL MONOMANIA.



## CHAPTER III.

### HOMICIDAL MONOMANIA.

“LE monomaniacque homicide ne présente aucune altération appréciable de l’intelligence ou des affections: il est entraîné par un instinct aveugle, par une idée, par quelque chose indéfinissable que le pousse à tuer; et même alors que sa conscience l’avertit de l’horreur de l’acte qu’il va commettre; la volonté lésée est vaincue par la violence de l’entraînement; l’homme est privée de la liberté morale; il est en proie à un délire partial; il est monomaniacque: il est fou.”<sup>1</sup>

In the graphic definition to which M. Esquirol thus deliberately and spontaneously commits himself, the essential features of homicidal monomania are drawn with minuteness and precision. M. Esquirol’s language will bear one, and one only, interpretation. It must mean, what Prichard and Ray understood it to mean, that there are cases of homicidal monomania in which these elements combine—a homicidal propensity, intelligently resisted and yet involuntarily gratified.

Now it is submitted that the complex body of cases on which M. Esquirol and his brethren rely can be resolved into the following simple classes, in not one of

<sup>1</sup> Note by Esquirol to Hoffbauer’s *Médecine Légale*.

which is there a union of the essential elements of *monomanie homicide* :—

(1.) *Hypothetical illustrations of the definition of homicidal monomania.*—Of such are these: “Une mère de quatre enfans est poussée involontairement à les detruire, et n’échappe à ce malheur qu’en desertant sa maison. Une servante chaque fois qu’elle déshabille pour le coucher un enfant confié à ses soins est prise du désir irrésistible de l’eventrer,” etc. etc. These cases are not authenticated by any details. To speculate upon them is useless. To discuss them is impossible.

(2.) *Cases of temporary mental derangement, due to moral or physical causes.*—Sometimes the exciting cause is *anxiety of mind*. Thus, the wife of a butcher,<sup>1</sup> anxious about her husband’s embarrassed affairs, dreamed that she saw a cord with which she tried to hang herself. She awoke with confused ideas which gradually shaped themselves into a desire to strangle her children. She was restrained at her own request. Or again,<sup>2</sup> the wife of a labourer in Bavaria killed her child and ate part of its leg. She assigned as motives for this act her extreme misery, and the cries of the child for food while she had none to give it. *As a matter of fact, there was food in the house.*

Sometimes the mental disturbance is caused by *epilepsy* or *brain fever*. Thus,<sup>3</sup> Frederick Jensen had

<sup>1</sup> Prichard, pp. 380–404.

<sup>2</sup> Marc, ii. chap. iv. pp. 24–134, obs. 88, Anthropophagie.

<sup>3</sup> Ray mentions also the case of a peasant girl, twenty-seven years

suffered in 1826 from congestion of the brain, owing to a fall on his head. He was also troubled with giddiness. In 1828 he lost a favourite daughter, by whose death he was deeply afflicted. His health of mind and body is nevertheless described by Dr. Ray as *perfect*.<sup>1</sup> Upon one occasion he took his son out for a walk, and *being seized with a strange confusion of the head, and all unconscious what he was doing*, he endeavoured to throw the boy over the citadel wall.

Homicidal monomania in women is usually connected with *menstruation, parturition, or lactation*. How far such cases support the irresistible criminal impulse theory, a few illustrations will show.

(a) "I know a woman," says Gall, "who . . . experienced, especially at the time of the periodical evacuations, inexpressible torture and the fearful temptation to destroy herself and kill her husband and children, who were exceedingly dear to her. She shuddered with fear as she pictured the combat which took place within her between her duty, her principles of religion, and the impulse which urged her to this atrocious act. For a long time she dared not bathe the youngest of her children, because an internal voice constantly said to her, 'Let him slip; let him slip.' Frequently she had hardly the strength and the time necessary to throw away a knife which she was tempted to plunge

old, and subject since she was nine years old to frequent epileptic fits, in whom the homicidal propensity was very strong.

<sup>1</sup> Cf. *Procès de Lecouffe*, by Georget, p. 180: "L'épilepsie de naissance altère ordinairement les facultés intellectuelles d'une manière qui va toujours croissant et finit à la démence complète."



in her own bosom and that of her children. Did she enter the chamber of her children or husband and find them asleep, the desire of killing them at once assailed her. Sometimes she shut precipitately after her the door of their chamber and threw away the key to remove the possibility of returning to them during the night, if she happened not to be able to resist this infernal temptation."<sup>1</sup>

(β) In the sixteenth volume of the *Annales d'Hygiène Publique et de Médecine Légale*,<sup>2</sup> is recorded the case of a mother who poisoned her newly-born infant with nitric acid: "Elle dit qu'elle avait formé dès le commencement de sa grossesse le projet de tuer l'enfant qui devait naître: qu'elle avait combattu cette idée, mais en vain: car ce horrible désir l'avait toujours dominée." This statement the medical reporter unhesitatingly accepts. He overlooks the fact that this woman *managed to get herself left alone with the child*, by saying to a friend who had been sitting beside her, "Il est midi; votre petit garçon revient de l'école: allez lui préparer son dîner;" and he contemptuously dismisses the testimony of the nurse, whose innocence had been established, and who had therefore no motive to speak falsely, "La garde-malade seule prétendit l'avoir entendu déraisonner." It would be interesting to know on what principle those items of evidence are disregarded.

(γ) A woman, Pannetier, destroyed her youngest child and then tried to commit suicide. The medical

<sup>1</sup> Gall, by Lewis, i. p. 338.

<sup>2</sup> P. 126.

men engaged in the case were asked by her advocate, "Si sa cliente n'était pas dans sa fièvre de lait au moment où elle a donné la mort à son enfant?" They could not agree, and so the prisoner was condemned.

( $\delta$ ) Madame Z——, the mother of three children, the youngest of whom she has not yet weaned, has, and successfully resists, a strong homicidal propensity.

( $\epsilon$ ) Marguerite M—— was confined. Five days after its birth her child was baptized, and the neighbours who came to congratulate her on this auspicious occasion, were talking of the case of Henrietta Cornier. Marguerite was struck by Cornier's horrible act. She thought long over it, and gradually familiarized herself with the idea of killing her own child. . . . Upon one occasion, when a knife lay within her reach, this familiar idea suddenly became a violent impulse. She cried for help, and called in the neighbours to sit beside her.<sup>1</sup>

(3.) *Cases where the homicidal impulse is the manifestation of distinct intellectual disorder.*—Thus: ( $\alpha$ ) M—— C——, who murdered his wife and his sister-in-law at Charenton, "divague sur les causes de ces épouvantables homicides: tantôt il dit que la cave (the scene of the murder) était éclairée d'une manière éclatante et que ces deux dames étaient des diables qui venaient s'emparer de lui: tantôt il déclare qu'il n'a pas su ce qu'il faisait."<sup>2</sup>

( $\beta$ ) Upon the case of Eugene Schlafer, who was tried for the murder of Marie Rousseau, Marc passes this

<sup>1</sup> *Ann. d'Hyg.* etc. tom. xvi.

<sup>2</sup> Marc, ii. chap. ix. obs. 83.

judgment, "L'influence directe de l'hallucination sur l'acte meurtrier ne saurait être mise en doute."<sup>1</sup>

( $\gamma$ ) In the case of Pierre Rivière (1835), Orfila, Marc, and Leuret gave as their unanimous opinion, "Que depuis l'âge de quatre ans Pierre Rivière n'a pas cessé de donner des signes d'aliénation mentale ; que son aliénation mentale a persisté quoique moins intense après les homicides qu'il a commis ; que ces homicides sont uniquement dus au délire."<sup>2</sup>

( $\delta$ ) On 19th June 1833,<sup>3</sup> Jeanne Desroches murdered her niece, her mother, a widow named Georges, and a man called Dorneron, successively. The medical report is as follows: "La mélancolie habituelle de Jeanne Desroches a pu réagir sur le cerveau, amener un trouble dans les fonctions intellectuelles et lui faire croire qu'elle était damnée," etc. Illustrations of this class of cases might be multiplied indefinitely. Papavoine<sup>4</sup> had been morose and solitary from his youth upwards, and "was proved on the trial to be insane;" Rabello, the Portuguese, who killed a little boy for treading on his toes, had been "previously deranged;" while Madame L——, who tore little birds in pieces and drank their blood, "thought it necessary that the human race should suffer at her hands;" besides, "elle a des hallucinations de la vue et de l'ouïe: elle entend des voix qui applaudissent à ces fureurs et qui l'excitent au crime."

<sup>1</sup> Marc, ii. chap. ix. obs. 84.

<sup>2</sup> Marc, *ad loc. cit.* obs. 89.

<sup>3</sup> *Ann. d'Hyg.* ix. p. 444 et seq.

<sup>4</sup> In this paragraph I accept, without making any admissions, the statements of Dr. Ray.

(4.) *Cases where the homicidal impulse is criminal and not insane.*

Here three sub-classes of cases may be distinguished :

(a) *Where the homicidal impulse is not gratified.*

In the following cases, the peculiarities of the logical method of M. Leuret and M. Esquirol are finely illustrated. The first, which appears in the *Annales d'Hygiène Publique*,<sup>1</sup> edited by M. Leuret, is styled "monomanie homicide avec penchant au suicide." The victim of this complicated disease is presented to us by the initial letters of his name, L. D. He had been a libertine in his youth, had married in the twenty-fourth, and at the date of his morbid seizure was in the forty-ninth, year of his age. "Avant son mariage cet homme passait pour aimer beaucoup les femmes, et cependant marié à 24 ans il est trois ans sans donner à sa compagne aucune preuve de tendresse conjugale." To the ordinary mind, this affecting family incident merely envelopes the tale in a prurient twilight. But the reporter proceeds: "Alors ce malheureux (!) parle souvent de mort, *dit qu'il se pendra*" (here is the penchant au suicide!), "mais *qu'il fera un bon coup auparavant*" (here is the irresistible homicidal propensity!). "Lors qu'il est couché avec sa femme, il fait très souvent des tentatives pour l'étouffer: il lui serre le cou avec ses mains. Si elle parvient à se débarrasser de la main qu'il étouffait, bientôt il la serre de l'autre. *Ne pouvant pas accomplir son dessein* (?) il lui arrache les chaises. . . . Dans d'autres cas il passe la nuit à

<sup>1</sup> Tom. xvi. p. 122.

chanter pour empêcher sa femme de dormir." . . . It requires the insight of medical advocacy to detect in this case any other features than idle talk and petty domestic tyranny.

The *second* case, which is minutely reported by Marc<sup>1</sup> and adopted by Esquirol, is that of a child eight years of age, "who threatened the life of her mother, and, when questioned as to this matter, persisted in her intention with a coolness which made her hearers shudder." The facts are these. This child, whose name M. Esquirol, with becoming delicacy, suppresses, but whom we may, after M. Marc, fitly style *La Petite*, had lived with her paternal grandmother from the fourth to the seventh year of her age. This lady had disapproved of the marriage of which *La Petite* was the issue, and had frequently, in the child's presence, spoken disparagingly of her son's wife, and said that it would be well if she were dead. When *La Petite* was seven years old, she was taken back to the mother, whom she had hardly known, and had never been taught to love. She was far from being a pleasant inmate of the house. Useless and disobliging, she would neither read, nor work, nor play, but sat constantly and sullenly in a chair. Soon her mother made the discovery—which it may be as well to preserve in the original—that "depuis l'âge de quatre ans elle s'amusaient continuellement à onanisme avec des petits garçons de dix à douze ans." Startled by this horrible revelation, and bewildered by the failure

<sup>1</sup> I. 97.

of her fatuous efforts to curb the disordered appetites of her child, *La Petite's* mother became ill. It was during this illness that the indiscreet language of the old grandmother bore its natural fruit in "the irresistible homicidal impulse." of the grandchild.

"*Madame* — said to her—'Would you be pleased to see your mother die?'

"*La Petite*—'That would not annoy me.'

"*Madame*—'Why would you be pleased to see your mother die?'

"*La Petite*—'That I might get her clothes.'

"*Madame*—'They would be too large for you.'

"*La Petite*—'I would have them made to suit me.'"

At this point *Madame* — disappears, and this judicious interrogatory is continued by *La Petite's* mother.

"*M.*—'Why then do you desire my death so much? I am not astonished now that you made so much noise when I was ill.'

"*La Petite*—'Yes, mother, I did it expressly that you might die.'

"*M.*—'But how would you kill me?'

"*La Petite*—'I would pull you to the ground by your gown, and then plunge a poniard into your heart.'

"*M.*—'What, a poniard! Do you know what a poniard is?'

"*La Petite*—'You know well, mother, that a gentleman left a book with us, in which a woman stabbed her husband with a poniard in a cave.'

“*M.*—I cannot tell you how pained I felt that a child of seven and a half years of age should reflect so coolly on the means of killing her mother. But I continued the conversation, ‘Why did you not kill me when I was unwell?’

“*La Petite*—‘Because you had a nurse.’

“*M.*—‘But why did you not do it after the nurse left?’

“*La Petite*—‘Because you sleep so lightly, and I was afraid you would see me take up the knife.’

“I have often,” adds *La Petite’s* mother—as if the act were meritorious—“had conversations of the same kind with my daughter, but her tone has always been the same.”

The unhappy child was taken to a medical man and minutely cross-examined by him, with the same result. Then, as if this was not sufficient, she was brought before the Commissary of Police and subjected to another severe ordeal. Finally, she was sent to a convent, where she became more subdued, but never affectionate. She is dismissed from the pages of Marc with a significant comment: “Son education moral n’a pas été dans cette maison ce qu’elle aurait du être.”

*La Petite* was indeed an unfortunate child, not, as Marc seems to imagine, in being the victim of disease,—for it cannot surely be contended that there was here any homicidal impulse,—but in being the daughter of such a mother, in being the patient of such a medical man, and in having such misguided friends. It was perfectly

natural that she should repeat the inconsiderate words of her grandmother; it was perfectly natural that if return home meant separation from the companions of her depravity, she should take no interest in home duties or pleasures. It was also natural that a child, whose mind and body had been so early polluted, should even feel an active dislike to the mother who had found out and was endeavouring to check her fatal habits. There is no cause for wonder, no phenomenon for explanation here. What is surprising is the utter folly with which her case was treated by every one who came in contact with it. How indelicately she was led on to speak of her shameful conduct! With what care all her remarks were emphasized, preserved, and repeated! How she was encouraged to talk about killing her mother, anxiously watched, called upon to explain every passing mood, examined, cross-examined, re-examined, warned, prayed with, caressed, whipped! She is the central figure in the household circle. Under these fostering influences her sullenness and self-indulgence become habitual, and the idle talk, which ought to have been ignored, blossoms into a settled tone of conversation. M. Marc and M. Esquirol were ill-advised when they pressed such a case as this into the service of *monomanie sans délire*.

( $\beta$ ) *Cases of manslaughter.*

Thus: Francois-Antoine-Ferrand,<sup>1</sup> aged eighteen, was tried for the murder of his fiancée Mariette. Ferrand's mother was opposed to the marriage, while Mariette's

<sup>1</sup> Marc, i. 104.



parents insisted that she should marry Sieur Roux. Whereupon Ferrand shot Mariette.

Again, Joseph Prohaska<sup>1</sup> was a soldier in a German garrison at Breslau. Lieutenant de V. — attempted to seduce his wife, but without success; he therefore treated Prohaska with unjustifiable severity. When Prohaska complained of this to his wife, she told him of the lieutenant's advances. On the following day he took her out for a walk, deliberately stabbed her, and soon afterwards killed his two children. He was in general kind and attentive, and had no doubt of his wife's innocence. "Now," said he, when the deed was done, "let Lieutenant de V. — make love to her; she and my children are beyond seduction and dishonour; they will thank me for the happiness they enjoy, and will pray for me in heaven." Gall does not contend that there was here any irresistible propensity; his complaint is that the Court did not take account of the *extenuating circumstances*, *i.e.* the strong provocation under which the act was committed.

*L'Affaire Séverac*<sup>2</sup> is a similar case. The facts are simple. On 6th December 1836, Séverac Gaspard, ensign officer in the 65th regiment of infantry, murdered a brother officer and grievously wounded four others. He had risen from the ranks, was a favourite with the army, and had displayed such punctuality, courage, and ability, that it was said when he received the ensign, "The national flag could not be

<sup>1</sup> Gall, i. p. 301.

<sup>2</sup> *Ann. d'Hyg.* tom. xix. p. 374.

placed in better hands." From the date of Séverac's elevation, however, a gradual change took place in his character. This change was attributed to a consciousness of the superior education and acquirements of his brother officers, perhaps to the stigma of illegitimacy on his birth, and also to the receipt of an anonymous letter—that his wife had been seduced by an officer of rank. Séverac at once suspected the major of his regiment, if not of the seduction, at least of an intention to annoy and make him ridiculous. When, by a coincidence, the major said to him, "Songez un peu moins à votre femme et un peu plus à votre service," the suspicions of Séverac, who was ready to interpret every event in the light of his ruling passion, were confirmed. He thus describes the *occasion* of the crime, "à la fin du déjeuner, comme il allait sortir, M. Derivaux (his victim) lui montra une caricature représentant une femme dans une posture indecente," etc. This was naturally "énergiquement nié par tous les témoins."

In such cases there is doubtless a homicidal impulse. But it is not motiveless. Neither is it irresistible; it is never resisted; it is studiously encouraged and then deliberately gratified. The act of indulgence is therefore criminal. But the degree of criminality is diminished in proportion as the provocation for the crime is increased.

(γ) *Cases of murder.*

*E.g.* On the 30th of October 1814,<sup>1</sup> W——, a

<sup>1</sup> *Ann. d'Hyg.* tom. xvi.

youth whose age is not mentioned, and of whose previous history and character no account is given except that he was "d'un caractère inquiet, taciturne," strangled his two brothers, and was condemned to death therefor. "Hardly had the condemnation been pronounced, when many persons who knew this young man saw in him only an unfortunate monomaniac. A person in favour at the Court appealed to Louis XVIII. to commute the capital sentence. 'What,' cried the king, 'show mercy to a monster who has killed his two brothers! It is impossible!' And the unfortunate (!) was beheaded on 14th February 1815."

Again,<sup>1</sup> L—— L—— had been dismissed from the French army on account of "une maladie honteuse." He made the acquaintance of Thérèse Petit Jean, "une fille publique." Jealous of her intimacy with one Dummont, the scoundrel shot her in her bed-chamber at night, under circumstances of atrocity which it is impossible to relate, and then inflicted a wound upon himself. Upon his trial L—— L—— assigned jealousy as an excuse, and the jury acquitted him. The reason of this verdict it is difficult to see. If every disordered passion, and every extravagance of disordered passion, are to be taken as evidence of insanity, there is an end to the administration of the criminal law.

I conclude with a case of "abstract fury" from Pinel.<sup>2</sup> The patient was the only son of a weak and

<sup>1</sup> Marc, i. obs. 11.

<sup>2</sup> Pinel, p. 156.

indulgent mother, who lavishly supplied him with money, and gratified his every passion and caprice. *Opposition or resistance* roused him to fury. When unmoved by passion he had a perfectly sound judgment, and was competent to manage his own affairs. *Enraged with a woman who had used offensive language to him*, he precipitated her into a well. "In this instance," says Dr. Ray,<sup>1</sup> "there was something more than the unrestrained indulgence of strong passions, though no doubt the passions of this person were naturally remarkably strong and active. The understanding, though sound, was incapable of restraining their impulses, *for the reason* that they were excited by disease, and therefore beyond its control. The constant excitement of passions, already too much developed by means of a vicious education, led to that condition of mind in which the healthy balance of the affective and intellectual faculties is destroyed."

Herein is wisdom. The existence of moral mania being the *factum probandum*, Dr. Ray's argument is that in this instance there was something more than ungoverned passion, because there was moral mania. Besides, what support can the case give to the theory of *monomanie sans délire*? This lad was intellectually sound—*plein de raison lorsqu'il est calme*. He was also furious. But then his fury was not "abstract," which, I suppose, means motiveless, *veut-on lui résister son humeur s'exaspère*.—Again, we are not told whether, and if so with what effect, this boy had

<sup>1</sup> P. 160.

received *correction* before his seclusion in the Bicêtre. The question at issue is whether M. Pinel's patient acted from an irresistible impulse, *i.e.*, an impulse which he *could not* resist, but to which he would have yielded in spite of every sanction. Now a man's conduct may be influenced by three sanctions—the religious, the moral, and the legal. It is clear that the first and the second of these were inoperative here. Did this boy's violent conduct ever bring him into contact with the third? Even had it been shown that severe and repeated punishment merely increased his fury, he might still have been but an abandoned criminal. But to put down to moral mania—the very disease whose existence is in question—the furious impulses of this misguided boy—in the absence of any evidence that the one sanction which was likely to check them was ever applied—is illogical and absurd.

Such is the literature of *monomanie sans délire*. Contrast this miserable crew of epileptics, lunatics, spoiled children, nursing mothers, and vulgar criminals with the graphic medico-legal definition of the morally insane: “Des observations récentes sur la manie ont appris qu'elle peut exister avec l'intelligence la plus saine et la plus parfaite, parceque c'est contre sa volonté que le maniaque est entraîné à certains actes.”<sup>1</sup>

Moral insanity, according to Dr. Prichard, tends to spread by imitation. Doubtless it does, and this tend-

<sup>1</sup> Hoffbauer (par Chambeyron), p. 378.

ency will operate rapidly and fatally if the criminal law, upon the slender medical evidence before it, should accept that plea for which M. Esquirol contends—"Ce n'est pas moi : c'est mon mauvais esprit qui a commis ces meurtres."



THE CAUSES CÉLÈBRES OF  
HOMICIDAL MONOMANIA.





## CHAPTER IV.

### THE CAUSES CÉLÈBRES OF HOMICIDAL MONOMANIA.

IN this chapter it is proposed to analyse the trials of Léger, Feldtmann, and Papavoine. Besides the horrid fascination which they possess in common with the other *causes célèbres* of homicidal monomania, and the vivid light which they cast upon the distinctive excellences and defects of French criminal procedure, these three cases derive an additional interest from the fact that the chief advocates of moral insanity regard them as typical instances of judicial blindness. In each was an act of hideous atrocity proved to demonstration: in each was there a concatenation of circumstances consistent with guilt—deliberation, choice of means, selection of opportunity; and in each was the plea of mental alienation advanced, discussed, and—in the opinion at least of Ray, Marc, and Esquirol—improperly repelled. It behoves the legal profession, in that spirit of eager yet modest inquiry which Dr. Ray inculcates and demands, to consider these cases well, and to watch narrowly the great masters as, under a storm of ignorant ridicule and abuse such as “his saintly persecutors” poured on the head of Galileo,

they trace the subtle boundary-line between moral insanity and crime. Dr. Ray approaches the subject with characteristic light-heartedness and confidence: "A stronger contrast," says he, "than is presented in every respect between the homicidal act of the real criminal and that of the monomaniac can hardly be conceived."<sup>1</sup> M. Esquirol prescribes certain tests for determining the presence or absence of monomania. M. Georget studiously points out that their value is relative merely, and adopts others to which even that compliment cannot fairly be paid; while M. Breschet tells us that the line of demarcation between depravity and madness is very difficult to draw, a position from which alone the medical expert's exclusive claim to draw it can be defended.

#### TRIAL OF LÉGER.<sup>2</sup>

On 23rd November 1824, Antoine Léger was tried before the Assize Court of Versailles for the violation and murder of Aimée-Constance Débully, a little girl about twelve years of age, at Montmiraut. No more horrible tale is to be found in the black annals of madness or crime. On the 10th of August preceding the trial, Aimée left her home, about four o'clock in the afternoon, to prune the vines in her father's vineyard. Night came, but she never returned. Her

<sup>1</sup> P. 212.

<sup>2</sup> *Journal des Débats* du 24 Novembre 1824; and "Examen médical des procès criminels des nommés Léger," etc., par M. Georget, in the *Archives Générales de Médecine*, tom. viii. p. 149.

parents were alarmed, and after a fruitless search, which revealed nothing but her hat and pruning-knife, gave information to the police. For several days no further traces were found, but on 16th August a blue and white handkerchief was discovered among the vines. The valley in which the vineyard lay sloped up to the forest of Bondiveau, within and in front of which were scattered a number of huge boulders, called *Les Roches de Charbonnière*. Among these boulders a small grotto attracted the attention of the police. Tearing aside a framework of ferns and twigs which covered the entrance, the gendarmes forced their way into this grotto. Within were the remains of a frugal meal of artichokes, wheat, and peas, a bed of moss and hay, and at the farthest corner, carefully wrapped up in white cloth, the mutilated body of a child, which Débully identified as that of his daughter. The detection of the criminal speedily followed the discovery of the victim. A man of wild and haggard appearance had been seen on 12th August sitting among the rocks. On 13th August this man was arrested, and gave as his name Antoine Léger. A chain of circumstantial evidence quickly closed around him. A woman, whom his uncouth dress and wild language had terrified, and a shopkeeper from whom he had bought bread and cheese, identified him. The striped handkerchief found among the vines exactly corresponded with another in his possession; while his pocket-knife fitted the ghastly wounds in the body of the child. Interrogatories were administered, and soon

Léger was *entrapped*<sup>1</sup> into an admission of the murder and mutilation, though he stoutly and to the last denied the violation, of the girl Débully. Léger's account was that, having seen the child playing among the vines, he was seized with a sudden and irresistible impulse to kill her. Swiftly and stealthily he descended the slopes of Montmiraut, and sprang like a tiger upon his prey. The poor child had no time to cry, and no power to resist. There was no one to hear or succour. Twisting a handkerchief round her neck, and lifting her on his back, the savage fled to his den, and there, dropping his almost lifeless burden, completed (according to the medical evidence) the horrid work of violation and murder. He then mutilated his victim's body, and feasted upon her legs and arms.

After a long trial, Léger was convicted, condemned, and executed.

The *Examen médical des procès criminels* contains an elaborate disquisition upon Léger's state of mind; for to M. Georget this measure of praise is due, that, fearless of consequences and comments, he not only records his conclusions, but studiously and exhaustively sets forth the premises upon which they rest.

<sup>1</sup> I use this word advisedly. M. Georget says, p. 151: "Plusieurs interrogatoires sont sans résultat. Mais au moment où il fut confronté avec la cadavre," etc. etc. Not so the *Journal des Débats*: "Enfin à un dernier interrogatoire, un homme de l'art qui assistoit—tâtoit le pouls à Léger pendant que M. le juge d'instruction le pressoit de questions. Plus l'interrogatoire, qui déjà avoit été très-étendu, se prolongeoit, plus le battement du pouls s'affoiblissoit progressivement. Enfin abattu, et d'une voix moins assurée que dans les premiers momens, Léger, à cette question du juge—'Etes-vous l'auteur du crime?' *laisse échapper le premier aveu de sa culpabilité*: Eh bien! oui, dit il, c'est moi!"

M. Georget commences by making it abundantly clear that if Léger was not a criminal, at least he was no moral maniac. He discovered in him<sup>1</sup> "the existence of a deep-seated mental disorder." In his opinion the prisoner was "an unfortunate imbecile, a madman who ought to have been confined in the Bicêtre among the insane."<sup>2</sup>

Having briefly sketched the history of the case, M. Georget proceeds to sum up and balance the facts which point respectively to insanity and crime. From "the very just and sound maxim," that "the more a crime is unheard of, the less need is there to search for its cause among the ordinary motives of human action,"<sup>3</sup> M. Georget draws his first presumption in favour of Léger's insanity: "He wished to drink blood, to eat human flesh!" Now this "very just and sound maxim" may either mean that a great crime was *probably* prompted by extraordinary motives, which is a truism, or may suggest that it was not committed, because no apparently adequate motive can be assigned, which is a fallacy. When it is said that no "adequate motive" for a crime has been established, the question arises—adequate in whose eyes? in the eyes of the judge, or in the eyes of the criminal? It seems to be forgotten that motives which influence persons in the normal condition of human nature slightly or not at all, may act with overwhelming force upon

<sup>1</sup> P. 158.

<sup>2</sup> P. 163.

<sup>3</sup> "Plus un crime est inoui, a dit un juriste (je ne sais lequel; peut-être même la citation n'est-elle pas exacte: mais la pensée est fort juste) moins il faut en chercher la cause dans les mobiles ordinaires des actions humaines."

persons whose moral or intellectual faculties are diseased. Besides, *anthropophagie* was not Léger's only motive. His first act is violation. He may have murdered the child to hide that he had violated her. He may have eaten her legs and arms to quiet the savage hunger which his meagre diet had aroused. Léger was a sensualist as well as a cannibal; but sensualism is "one of the ordinary motives of human action," and so M. Georget, in compliance with the saw of the unknown jurist, dismisses it from his calculation.

A second presumption in favour of Léger's insanity is drawn from his conduct before and after his crime and during the trial.<sup>1</sup> He flies from home with only fifty francs in his pocket; when arrested he falsely avers that he has just escaped from the galleys at Brest.<sup>2</sup> "Suppose him to be endowed with reason, what intention could he have in making such a statement?" He hears the death sentence without a shudder. But all this is consistent with crime. The declarations of prisoners are notoriously false, and the more depraved a criminal is, the more utterly callous to punishment is he. Then M. Georget relies on the answers of Léger to his interrogators: "I had not my head with me; I was pushed by an evil spirit—I was no more master of myself—I had a thirst for blood." But M. Georget has no right to delegate his high prerogative of determining the presence or absence of insanity to an ignorant and interested witness. That is a point which the medical expert alone is competent

<sup>1</sup> P. 158.

<sup>2</sup> P. 160.

to settle. Besides, Léger's evidence is not consistently accepted. He attributes his flight from home to the stone; he also asserts that he was sometimes insane. At the date of the trial no traces either of stone or of insanity are found. Upon both points the medical evidence is negative. And yet Léger is allowed to prove that he was the victim of insanity, but not that he suffered from stone.

M. Georget's next point is stated thus:<sup>1</sup>—

“Léger's counsel was appointed by the Court, which *proves* either that no advocate could be found at Versailles to undertake his defence, or that he himself did not care to have a defender. Upon the latter supposition, such conduct was another sign of imbecility.” But M. Pérignon, who defended Feldtmann, was also *nommé d'office*, and yet M. Georget draws no inference of Feldtmann's insanity from the fact. Feldtmann defended himself with spirit and ability. But so did Léger. And even had Léger not displayed such an acute regard to his own interests, the fact which M. Georget considers “a sign of imbecility” might still have been explained by poverty or self-conceit. In the case as M. Georget reports it, there is nothing to exclude either, there is much to countenance both of these explanations. Upon what principle of reason or common sense are they ignored in favour of the remote presumption of insanity?

M. Georget's final presumption is intended to be conclusive:<sup>2</sup> “Si nous conservions des doutes sur l'ex-

<sup>1</sup> P. 162.

<sup>2</sup> P. 163.



istence de l'infirmité mentale de Léger, l'examen de sa tête achèverait notre conviction — une adhérence morbide entre les méninges et cet organe (le cerveau).” Such an examination may be eminently satisfactory to the medical expert, but comes a little too late to benefit the prisoner or to be of any value to his judge. What the unbelieving generation of lawyers call for is some reasonably certain sign of moral insanity ; but the Galileos of medical science return only the harsh and uncompromising answer that, besides their own philosophic maunderings, there shall no conclusive sign be given, save the tardy sign of *post-mortem* appearances.

To sum up in a tabular form the results of this discussion.

## POINTS IN FAVOUR OF INSANITY.

1. *Inadequacy of motive.* Explained, however, that there *can* be no adequate motive for the commission of a crime, that motives which have no influence upon one man may act with overpowering force upon another, and that Léger's motive was not *anthropophagie* alone.

2. *The conduct of Léger before 10th August.* His character in boyhood. His flight from home with only a small sum of money ; his living upon herbs.

Referred to Léger's explanation, and submitted that it must be accepted as a whole.

3. *The conduct of Léger after 10th August. His confession.* Submitted that he was inadvertently entrapped into a confession, and that

## POINTS IN FAVOUR OF CRIME.

1. Léger acts from an appreciable motive. There is nothing to show that he did not murder and mutilate the child to hide that he had violated her. His *soif de sang*, etc., may have been due to actual hunger.

2. Léger endeavours to destroy the traces of his act.

3. Léger denies, and persists in denying, the violation, and only admits the murder and mutilation when further denial is useless.

he systematically denied that part of the charge which indicated criminality most strongly. *His false statement*—that he had just escaped from the galleys. The *nonchalance* with which he heard the sentence of death. Submitted that these circumstances are equally consistent with guilt.

4. *The testimony of Léger himself.* Submitted that from the position assumed by the alienist physicians it is incompetent for a prisoner to pronounce upon his own mental state.

5. *The fact that Léger employed no advocate to defend him.* Submitted that this fact may be explained by poverty or self-conceit, neither of which is excluded by M. Georget.

6. *The post-mortem examination.*

Now, upon M. Georget's elaborate analysis of the trial of Léger, I desire to make two observations only.

1. That the logical process—whose steps he has so carefully expounded—may be applied by a metaphysician, by a lawyer, by any intelligent student of mental science, as well as by a medical expert. M. Georget's conclusion rests upon no ratiocination for conducting which a special training is necessary. He makes no appeal to scientific experience. He admits that in the case of Léger, each of M. Esquirol's tests would prove fallacious. But he does appeal to the common sense of ordinary men, and contends that the prisoner's history and conduct suggest and warrant the inference of his insanity.

2. That if the *post-mortem* examination, which I

submit has no medico-legal value, be laid aside, there is nothing to justify the conclusion that this is a case of insanity rather than crime.

#### TRIAL OF FELDTMANN.

Henri Feldtmann<sup>1</sup> was tried at Paris on 25th April 1823, for the murder of his daughter. The prisoner, who was of Hanoverian origin, had settled in Paris in 1797. Soon afterwards his wife died, leaving five children, one of whom, Etiennette, became his victim. In 1815 he conceived an incestuous passion for this girl, then in the sixteenth year of her age. This passion Feldtmann cherished and repeatedly attempted to gratify from 1815 till 1823. Early in March 1823 his violence became so alarming that Etiennette fled from home with her sister Elizabeth and Madeline Léger, a woman with whom Feldtmann had cohabited since his wife's death, and took lodgings in the Rue de Viarmes, No. 4, without her father's knowledge. Feldtmann soon discovered the retreat of his family, and vainly endeavoured to induce Etiennette to return with him. He then appealed to Pastor Goeppé, minister of the little Protestant congregation to which he had belonged, to help him in getting back his daughter, and said that without her society he would be driven to acts of violence. All his efforts proved fruitless. On the 24th of March, Feldtmann bought

<sup>1</sup> "Examen des procès criminels," etc., p. 165, *Jour. des Déb.* du 25 Avril 1823.

a large knife, carefully sharpened it, hid it in his clothes, and went to the Rue de Viarmes, No. 4. Having dined with his family, he renewed his solicitation to Etiennette, and when she persistently refused to go with him, stabbed her to the heart, crying, "It is on your account that I shall perish on the scaffold." Feldtmann surrendered to the police without resistance, and was, after an elaborate trial, found guilty, condemned, and executed.

M. Georget's observations upon this case are worthy of Dr. Ray in his most daring moments. Admitting that "Feldtmann was not insane," he asserts, nevertheless, that his incestuous passion, from its duration and intensity, "constituted a real disease." He contrasts the *moral mania* of Feldtmann with the *criminality* of Joseph Gras, who shot a successful rival for the favours of his mistress, confessed the crime, repented, and begged for death. M. Georget then proceeds to discuss (1) the conduct of Feldtmann, and (2) the testimony of his paramour, Madeline Léger.

(1.) Confronted with the corpse of his child, Feldtmann exclaimed, "I have done well!" Interrogated by the Commissary of Police, he answered, "It was my intention to stab Etiennette if she would not go away with me. I wished to take her away from the evil influence of Madeline Léger." Asked what he meant by saying, "It is on your account that I shall perish on the scaffold," he replied, "That was not what I wished to say. Being a foreigner, I do not know the French language well. I said to my wife and my

children, 'By the theft which you have committed, and your accomplice in which I am thought to have been, you will bring us all to *the stocks*.' I confounded *scaffold* with *stocks*, but it was the latter word that I wished to use."

(2.) *The President (to Madeline Léger)*—"What is the moral state of the accused? Is he quite sane?"

*Madeline Léger*—"No, sir, he is often out of his senses."

*The President*—"You did not say that before the *juge d'instruction*. You said that he had no aberration except on the subject of his daughter, that otherwise he was quite reasonable."

The same question was then put to a woman Vanson, who had been in the service of Feldtmann. She replied, "I have never myself seen any trace of insanity in the accused. Madeline Léger spoke to me about it, *but only since the crime*." A man Rougemont and his wife were next examined, and they too deposed that, since the fatal 24th of March, Madeline had told them of the prisoner's periodic fits of insanity.

I propose to analyse M. Georget's reasoning with some degree of care. That an incestuous passion secretly cherished, and never honestly resisted, may come to be a real disease, I freely admit; that such a disease should entail irresponsibility as a consequence, I deny. "This would be," as the Advocate-General<sup>1</sup> in the trial of

<sup>1</sup> The reply of the late Mr. Overend, Q.C., and the charge of Lord Justice, then Mr. Baron, Bramwell, in the trial of William Dove for poisoning his wife with strychnine (*Leeds Mercury*, July 16-19, 1856), contain similar observations.

Feldtmann very properly said, "to confound the extravagances of vicious passions with the delirium of mental alienation; to proclaim the impunity of the greatest offences, to rest their justification upon their very immorality, and to overthrow social order altogether."

Moreover, the case of Joseph Gras, to which M. Georget refers, seems to me to be as unhappy as the principle it is designed to illustrate is unsound. Apply the criteria of moral insanity, prescribed by M. Esquirol, to the cases of Feldtmann and Gras. Each acts from an appreciable motive. Neither has an accomplice. From these *indicia*, therefore, no presumption can here be drawn. But it is Gras who is swayed by a sudden and irresistible impulse. Feldtmann indulges a passion which he had nursed for years. It is Gras who confesses, who repents, who courts punishment. Feldtmann confesses because denial is useless, glories in his cruel deed, and defends himself with courage and adroitness. No lawyer could have taken more subtle objections to the relevancy of the facts, or the credibility of the witnesses against him.<sup>1</sup> It thus appears—if an evil passion is not, as I contend it is not, necessarily insane because of its duration and intensity, and if we adopt the tests on which M. Esquirol relies—that Gras is the lunatic and Feldtmann the criminal.

<sup>1</sup> *E.g.* He objects to Bernard Straffacher, a suitor for the hand of Etiennette, whom he had discouraged,—on the ground of natural prejudice; to Vanson, that she was a discharged employee of his own, etc. etc.

Having completed this lucid and convincing contrast, M. Georget dexterously shifts his ground, and leads evidence to show, not the fatal grasp which Feldtmann's criminal propensity had laid upon his moral nature, but that he was intellectually insane. Upon the incongruity of such a line of proof with the *Feldtmann n'était pas fou*, which is one of M. Georget's central propositions, I shall say nothing. But I take grave exception alike to the competency and to the credibility of the testimony upon which he relies. In the first place, for M. Georget to permit uneducated witnesses to affirm positively *not only facts from which Feldtmann's insanity might be inferred, but the fact that Feldtmann was insane*, is utterly inconsistent with the claim of the alienist physicians to exercise an exclusive jurisdiction in such cases. Here the privilege so indignantly denied to Kant is conceded without a murmur to Madeline Léger. True, the opinion of Feldtmann's paramour was asked by M. le Président; but M. le Président was only a lawyer, whom it is the alienist's function in cases of moral insanity to instruct and not humbly to follow. Besides, in the testimony of Madeline Léger there were contradictions to which even M. le Président called attention. Before the *juge d'instruction*, she said that his incestuous passion was Feldtmann's sole aberration. By the time of the trial, she had made, and had imparted to Rougemont and Vanson, the discovery that he was intellectually unsound. She further deposed to having consulted M. Deville about Feldtmann's mental state before the

crime was committed. M. Deville, summoned by the Bench, denied that any such conversation had taken place.

Such a mixture of contradiction and falsehood might well, one would have thought, have shaken the faith even of an alienist physician.

#### TRIAL OF PAPAVOINE.

Louis Auguste Papavoine<sup>1</sup> was tried at Paris Assizes in February 1825 for the murder of two children, by name Hérein. Papavoine had entered the French navy in 1804, and had filled with credit several positions of difficulty and responsibility. In December 1823, his father, who was a cloth manufacturer, died, and Papavoine, obtaining his discharge from the naval service, went home to assist his mother in carrying on the family business. Under their joint mismanagement the business was soon reduced to a state of hopeless confusion. Papavoine then vainly sought readmission to the navy. Deeply hurt by the failure of all his efforts, and by the unpleasantness with his former superiors to which his importunity gave rise, Papavoine, who was constitutionally sombre and unsociable, became so seriously altered in character and demeanour that his mother was afraid to take her meals along with him. In September 1824 he fell ill, and his medical man, finding symptoms of fever, advised a

<sup>1</sup> "Examen médical," p. 187, *Journal des Débats*, 24th to 27th February 1825.



change of air. On 2nd October, accordingly, Papavoine went to Beauvais. On the same day his mother wrote to the friends, whose guest he was to be, in the following terms: "You have seen Auguste—mark his eyes and his conversation; above all, see that he neither knows nor suspects I have written to you. I promise you to come on Wednesday. I will tell you things which I cannot write." The only eccentricities which these friends noticed in the conduct of Papavoine were a delusion that his uncle and his brother had been buried while still alive, and a certain incoherence and wildness in his tone. Thus he would mutter to himself, "Not a moment's happiness! At times I think that I am mad."

On 6th October, Papavoine returned to Paris, saying that he was anxious about some proposals of the Government which were very disadvantageous to his house. On the 8th and 9th he took long solitary walks. On 10th October he wandered into the woods of Vincennes. In these woods a young girl, Malservet, was waiting for her lover, and Demoiselle Hérein was walking with her two children, the one five and the other six years of age. All four were total strangers to Papavoine. Malservet stopped for a moment to speak to Hérein, and to caress the children. Then she passed on. Papavoine came up to her and said, "Do you know the children whom you were caressing?" "One may caress children whom one does not know," the girl replied. Papavoine withdrew, and hurried back to town to the shop of a woman Jean, where he bought

a large knife. Then he returned to the woods. Malservet was no longer there. Presenting himself to Hérein, he said in a troubled voice, "Your walk has been soon ended." Then he bent down over one of the children as if to embrace it, and stabbed it to the heart. Hearing a cry, but not knowing the cause, Hérein struck the rude stranger on the head with her parasol, and turned to the child. Meanwhile Papavoine stabbed the other child and fled through the woods. Hérein gave the alarm, and described the assassin. The gates of the forest were closed; every path was guarded by gendarmes, and Papavoine was arrested. When interrogated by the *juge d'instruction*, he denied the charges against him, explained away circumstances of suspicion, and defended himself not only with intelligence, but with "conspicuous ability."

In this line of defence Papavoine persisted from 10th October to 15th November. Then he changed his ground. "He had intended to kill the children of the Duchess of Berry, and to plunge France in despair and grief." His conduct in prison is strongly suggestive of feigned insanity. "He demanded a knife from a prisoner, roused himself at night to search for one, attempted to set fire to his bed, and on 17th November attacked and wounded a fellow-prisoner, Labiet," or Labiey. By February he had changed his ground again. "He had bought the knife to liberate the prisoners in the Castle of Vincennes." "He did not wish to kill the Duchess of Berry's children, but

was weary of life; so weary that he would have accused himself of the murder of the Eternal Father in order to ensure his conviction."

After a trial of several days' duration, Papavoine's wish was granted, and duly carried into effect.

The chief points in M. Georget's elaborate discussion of this *cause célèbre* may be most clearly presented in a tabular form,—

PAPAVOINE'S INSANITY.

*For.*

(1) His father was subject to *mental* aberrations.

(2) Papavoine himself was melancholy and incommunicative. He had a sickness at Brest, which one of the marines attributed to fever, but which the officer of health regarded as a moral rather than a physical malady.

(3) His crime was motiveless.

(4) He had no accomplices.

(5) He acted without deliberation.

*Against.*

(1) Papavoine's father was nevertheless at the head of a large business, and enjoyed till his death an exclusive privilege of providing the army and navy with uniforms.

(2) Papavoine filled positions of trust and difficulty in the naval service with credit.

(3) "It is unnecessary to search for the motive which made Papavoine commit the crime, since the fact that he *did* commit it is clear."—Speech of the Advocate-General. The essence of crime, says Georget, is *intention*, but in Papavoine's case no *motive* was discovered. In this criticism M. Georget confuses *motive* and *intention*. See Bentham, *Principles of Morals and Legislation*.

(4) Many criminals have no accomplices.

(5) This is not warranted by the facts. Besides, deliberation may be instantaneous.

(6) Papavoine defended himself with intelligence. He was far from

being careless as to the issue of his trial. In prison his object seemed to be to "make" evidence of his insanity, and some of his replies to the long, painful, and undignified interrogatories of the Bench are characterized by the cunning of that "incendiary monomaniac" who predicted the acquittal of Jonathan Martin with the significant comment, "He is one of us."

*E.g.* in the presence of the bodies of his victims *Papavoine* said, "I was mad with grief, but I tried to control myself."

*M. le Président*—"If you were mad then, you are sane now."

*Papavoine*—"I refer you to the medical men. Madness is not uniform in its action. I do not pretend that I am mad at all times."

Unawed by these contrary presumptions, which weigh heavily upon the spirit of his less robust brother, M. Georget, Dr. Ray boldly declares that *Papavoine* was "proved on his trial to be insane." But M. Georget is doubtful: "What conclusion shall one draw from all this? Was *Papavoine*, or was he not, insane? As a medical man, I can only remain in doubt on this grave question; therefore, as a juror I would have voted for his acquittal."

Briefly, in conclusion, and upon the whole issue, the position which I respectfully submit to the medical and legal professions may be stated thus:—

(1.) Medical science being inductive, moral insanity

not only is, but necessarily must be, capable of definition.

(2.) The definition of moral insanity, being the formal expression of an induction, must contain the concentrated essence of the cases upon which that induction rests.

(3.) To prove the existence of moral insanity as "an irresistible impulse to do some act known to be contrary to morality or law," cases must be adduced in which the following elements *combine*, viz. an unlawful impulse, protracted resistance, perfect intellectual soundness, and involuntary gratification.

(4.) The case-law of moral insanity may be analysed into three classes:—

(a) Cases where certain moral symptoms accompany permanent or temporary intellectual disorder.

(b) Cases of unlawful impulses, successfully resisted.

(c) Cases of unlawful impulses, furiously gratified, but not resisted at all.

(5.) The difference between these classes of cases is a difference not in degree, but in kind.

*PREPARING FOR PUBLICATION.*

THE LAW OF DAMAGES:

A TREATISE ON THE LAW OF SCOTLAND RELATING TO THE  
REPARATION OF INJURIES.

Second Edition,

REVISED AND BROUGHT DOWN TO DATE.

BY

JOHN GUTHRIE SMITH, ADVOCATE.

---

DICKSON ON EVIDENCE.

*New Edition in Preparation,*

A TREATISE

ON

THE LAW OF EVIDENCE IN SCOTLAND.

BY

WILLIAM GILLESPIE DICKSON, ADVOCATE.

Recast, Adapted to the Present State of the Law, and in part Re-written

BY

P. J. HAMILTON GRIERSON, B.A. OXON., ADVOCATE.

---

*Preparing for Publication,*

A MANUAL ON THE CROFTERS ACT.

Containing the Text and Explanations.

BY

CHRISTOPHER N. JOHNSTON, ADVOCATE.

*Will be issued shortly after the Act receives the Royal Assent.*

*Just published, in One Volume royal 8vo, price 38s.,*

A TREATISE  
ON THE  
LAW OF BANKRUPTCY  
IN SCOTLAND,

WITH AN APPENDIX CONTAINING  
THE EXISTING BANKRUPTCY STATUTES AND A  
COLLECTION OF FORMS,

BY  
HENRY GOUDY, LL.B., ADVOCATE.

'Mr. Goudy's work is original, clear, and keeps strictly within the bounds of its stated subject. . . . At times improvements in the law are suggested, most of which would be undoubtedly advantageous. . . . Mr. Goudy's book will be found of the greatest possible value.'—*Scotsman*.

'He who devotes himself to a careful reading of this treatise will, we think, be able to gather from it a clearer understanding of the complicated laws it deals with than from any other work on the same subject.'—*Aberdeen Journal*.

'There are few more important subjects from a practical point of view, and we venture to say that this book will rank amongst the most valuable contributions to our modern legal literature.'—*Journal of Jurisprudence*.

EIGHTH EDITION.

*Just published, in Two Volumes 8vo, price 45s.,*

PRINCIPLES  
OF THE  
LAW OF SCOTLAND.

BY GEORGE JOSEPH BELL,  
PROFESSOR OF THE LAW OF SCOTLAND IN THE UNIVERSITY OF EDINBURGH.

Eighth Edition, Revised and Enlarged

BY  
WILLIAM GUTHRIE, ADVOCATE, LL.D.,  
SHERIFF-SUBSTITUTE OF LANARKSHIRE.

'In Sheriff Guthrie's hands, this edition has been done with a care, research, accuracy, and completeness that leave nothing to be desired.'—*Glasgow News*.

'To every practising lawyer the work will be necessary, and perhaps more especially will it be found useful by the mercantile lawyer; while to the legal student it will still be the popular handbook of Scotch law, enhanced in value by Dr. Guthrie's labours.'—*Glasgow Herald*.

In crown 8vo, price 9s.,

# A HANDBOOK OF THE LAW OF SCOTLAND.

BY

JAMES LORIMER, ADVOCATE, M.A., F.R.S.E.,

*Professor of Public Law in the University of Edinburgh.*

FIFTH EDITION

BY

RUSSELL BELL, ADVOCATE.

'All the characteristics which have from the first given value to this compendium are retained, while it has been brought down to the present date.'—*Scotsman*.

'Within the compass of 576 pages, it presents an amount of information far exceeding what is afforded by many diffuse and unsystematic works of thrice its size.'—*Irish Law Times*.

'We appreciate the care with which Mr. Bell has brought the work abreast of the law of the day, and that not the least valuable feature of the treatise is the copious and intelligent index with which it is furnished.'—*Glasgow News*.

'It is hardly necessary, at this time of day, to say anything about Professor Lorimer's well-known handbook. . . . Its size is extremely convenient, and there are few legal works which contain so much accurate information in so small a space.'—*Journal of Jurisprudence*.

In demy 8vo, Third Edition, price 18s.,

## A DIGEST

OF

# THE LAW OF SCOTLAND

RELATING TO

THE POOR, THE PUBLIC HEALTH,

And other Matters managed by Parochial Boards.

BY JOHN GUTHRIE SMITH,

ADVOCATE.

'The value of the work as an epitome of all the statutory provisions with respect to the powers and duties of parochial boards, has long been recognised.'—*Scotsman*.

'All who have had occasion to consult this admirable compendium of the law of Scotland, relating to the poor and the public health, will be pleased to learn that it has just been issued in a new and improved form.'—*Dumfries Courier*.

'The volume is in every respect most complete, and will be a valuable guide to members of parochial boards, poor's officers, and others interested in the subject.'—*Dundee Advertiser*.

'The book has become in its former editions so well known and so much of a trusted guide and authority, and its author stands so high as one of the most efficient sheriffs in Scotland, and one of the most skilful, judicious lawyers at the bar, that it needs no commendation of ours.'—*Glasgow Herald*.

'This volume will be found very useful, not only by the professional lawyers, but by laymen, to whom, as members of parochial boards and inspectors, the administration of the Poor and Public Health Law is entrusted.'—*Journal of Jurisprudence*.



---

PREPARING FOR PUBLICATION.

A TREATISE

UPON THE

LAW OF LANDLORD AND TENANT  
IN SCOTLAND.

BY

CHRISTOPHER N. JOHNSTON, M.A., ADVOCATE.

---

To Justices of the Peace, Magistrates, Country Gentlemen, Lawyers,  
Accountants, Parochial Boards, Clergymen, Merchants, etc. etc.

*In One Volume demy 8vo, Fourth Edition, price £1, 11s. 6d.,*

A DIGEST OF THE LAW OF SCOTLAND;

WITH SPECIAL REFERENCE TO THE

OFFICE AND DUTIES OF A JUSTICE OF THE PEACE.

By HUGH BARCLAY, LL.D.,

SHERIFF-SUBSTITUTE OF PERTHSHIRE.

Fourth Edition, Revised and Enlarged.

---

'The book appears, in its present form, to be brought down to date with care and accuracy, and it deserves to retain the good opinion of the special public to whom it is addressed.'—*Scotsman*.

'The most complete compendium of our law which, in the convenient form of a Dictionary, has yet appeared.'—*Dundee Advertiser*.

'The work may be cordially recommended as well fitted for the special object at which it aims—as a mine of information on legal matters for Justices of the Peace and other magistrates.'—*Courant*.

---

*Recently published, Third Edition, price 12s. 6d.,*

TREATISE

ON THE

GAME LAWS OF SCOTLAND;

WITH APPENDIX CONTAINING THE PRINCIPAL  
STATUTES AND FORMS.

By ALEXANDER FORBES IRVINE,

ADVOCATE.

'This work may well claim to be the authority on the Game Laws of Scotland, not only on account of the exhaustive method in which the subject is treated, but also on account of the clear and learned manner in which the law has been laid down and expounded.'—*Glasgow Herald*.

*Just published, in One Volume royal 8vo, price 36s.,*

TREATISE ON MASTER AND SERVANT,  
EMPLOYER AND WORKMAN, AND MASTER  
AND APPRENTICE.

BY PATRICK FRASER,

ONE OF THE SENATORS OF THE COLLEGE OF JUSTICE.

Third Edition

BY WILLIAM CAMPBELL, M.A.,

ADVOCATE.

This Edition embodies the whole changes effected in the law in recent years as to Employers' Liability; Factories; Miners, Seamen, and other workmen; together with Forms of Procedure in actions relative to Masters and Servants at Common Law, and under the various statutes applicable to workmen. It also contains the 'Summary Jurisdiction (Scotland) Act, 1881,' and the 'Summary Jurisdiction (Process) Act, 1881,' with a Commentary and Notes.

*In Two Volumes royal 8vo, Second Edition, price £4,*

TREATISE ON HUSBAND AND WIFE,  
ACCORDING TO THE LAW OF SCOTLAND.

BY

PATRICK FRASER,

ONE OF THE SENATORS OF THE COLLEGE OF JUSTICE.

'Our modern legal literature can show few books of similar wealth of subject and of treatment.'—*Daily Review*.

'Still more conspicuously in its new than in its old form, the book furnishes proof of the learning, the industry, and the expository power of its author, and it is not likely to lose its place among the very highest authorities on the vast and complex subject with which it deals.'—*Scotsman*.

'Of the book itself it would be difficult to speak in too high terms. Its merits as a legal text-book have been long ago recognised in the previous edition, and we have here the result of the author's matured reading and experience.'—*Courant*.

'It is a book that will be necessary to every practising lawyer, to every student of Scotch history, and to every one who attempts to meddle with the marriage laws of Scotland in Parliamentary or popular discussion.'—*Glasgow Herald*.

'One of the most complete legal monographs that has ever been written.'—*Journal of Jurisprudence*.

*In Two Volumes demy 4to, price £5, 5s.,*

COMMENTARIES  
ON  
THE LAW OF SCOTLAND,  
AND ON  
THE PRINCIPLES OF MERCANTILE JURISPRUDENCE.

BY GEORGE JOSEPH BELL, Esq., ADVOCATE,  
PROFESSOR OF THE LAW OF SCOTLAND IN THE UNIVERSITY OF EDINBURGH.

*Seventh Edition. Being a re-publication of the Fifth Edition, with additional Notes, adapting the work to the present state of the Law, and comprising abstracts of the more recent English authorities illustrative of the Law of Scotland.*

BY JOHN M'LAREN,  
ONE OF THE SENATORS OF THE COLLEGE OF JUSTICE.

---

‘ This great work will ever remain as a monument of Professor Bell’s learning, sagacity, and logical power. . . . Its authority and reputation have grown rather than diminished since his death, not only in Scotland, but in America (*being quoted in the American Case before the Geneva Court of Arbitration*); and every resort to it in order to solve emerging questions only tends to illustrate more strongly the perspicacity and breadth of his legal knowledge.’—*Edinburgh Review*.

‘ Mr. M’Laren seems to have succeeded in making the Commentaries a modern work on Mercantile Law, while they remain under his hands not the less an ancient oracle. . . . His annotations are throughout useful and well placed; but the more extended notes on such subjects as Sale, Agency, etc., display great research, and are peculiarly valuable.’—*Courant*.

‘ In the Notes, the editor displays not only great acuteness, and great anxiety to trace the results of legal decisions to correct and definite principles, but an independence of thought of which we have seen little in Scotch legal authorship since George Brodie laid down his pen.’—*Glasgow Herald*.

In Two Volumes royal 8vo, price £3, 12s.,

# THE PRACTICE OF THE COURT OF SESSION.

## Volume I.

HISTORY, CONSTITUTION, AND JURISDICTION OF THE COURT, AND  
PROCEDURE IN ORDINARY ACTIONS.

## Volume II.

PROCEDURE IN PROOF, SPECIAL ACTIONS, APPEALS, AND OTHER  
PROCESSES OF REVIEW, WITH THE GENERAL RULES AS TO  
EXPENSES.

BY Æ. J. G. MACKAY,

ADVOCATE.

'We must express high satisfaction with this work,—a better specimen of honest labour will not be found in the professional literature of the country. . . . Mr. Mackay is entitled to the best acknowledgments of the profession for a work which is alike an honour to himself and to the Faculty with which he is connected.'—*Scotsman*.

'It is certainly a work which no person who has anything to do with the practice of our Supreme Courts can afford to do without.'—*Journal of Jurisprudence*.

'The author has expressed himself as much as possible in words known south of the Tweed; his book will therefore be perfectly intelligible to English lawyers; and to such of them as may seek to know something of the northern judicatures we heartily commend it.'—*Saturday Review*.

'Some people may fancy that because the work is entitled "Practice of the Court of Session," it will only be of use to Edinburgh lawyers. This, however, is an entire mistake, not only for the reasons we have mentioned, but also because Mr. Mackay has given a careful exposition of those numerous matters in which the Sheriff Court alone has jurisdiction, or else one concurrent with the Court of Session. The book is, in short, one that every agent in large practice will do well to have.'—*Glasgow News*.

'Professor Mackay has written a work which far surpasses anything of the kind that was ever attempted before, . . .—a most complete and philosophical treatise on the Court of Session and its procedure, as well as a monument of the extensive erudition and painstaking research of the learned author.'—*Courant*.

'No one can read many pages of Mr. Mackay's book without feeling that the author has not only made an attempt in the right direction, but that he has not fallen short of the high standard which he set before himself. No more skilful, accurate, complete, and exhaustive treatise on the whole practice of Scots Law could be desired.'—*Glasgow Herald*.

'We have found this work essentially serviceable.'—*Irish Law Times*.

*In demy 8vo, price 21s.,*

# The Institutes of Gaius and Alpiar's Rules.

THE FORMER AFTER STUDEMUND'S APOGRAPH  
OF THE VERONA MS.

With Translation and Notes, and a Copious Synoptical Index.

BY

JAMES MUIRHEAD,

PROFESSOR OF ROMAN LAW IN THE UNIVERSITY OF EDINBURGH.

'A thoroughly careful and scholarly work, aiming at the right sort of ends, and successfully accomplishing them. The Editor has taken in its full and simple sense the duty of editing a classical text of Roman Law, and has performed it with constant diligence, and with judgment seldom at fault.'—*Saturday Review*.

'The addition referred to is called a Digest, and is neither more nor less than a very complete treatise on the classical jurisprudence, under headings arranged in alphabetical order, and with special reference to the text of the work. The framing of such a compendium must have been a task involving much irksome labour. The result is, so far as we are aware, unique. It will be invaluable to the student of civil law.'—*Journal of Jurisprudence*.

'A most valuable contribution to the study of Roman law. . . . A work like this should be peculiarly acceptable to all students of our race and country whose aim is to acquire a practical grasp of legal ideas.'—*Scotsman*.

'Professor Muirhead has exhibited great research and accomplished juridical scholarship. The notes are elaborate; and an admirable digest more than supplies the place of an index, and saves much labour to the reader.'—*Daily Review*.

*Just published, in demy 8vo, Third Edition, price 16s.,*

# Procedure in the Court of Session.

BY

JOHN P. COLDSTREAM, W.S.

'It is not too much to say that this is the clearest, most condensed, and most practically useful manual of the Procedure of the highest Scotch Court that has appeared. . . . Throughout the text is illustrated by reference to cases, and the volume is enriched by careful indices of cases and contents. . . . To the judges, the advocates, and especially to the law agents, and to some extent even to the general public interested in litigation, the treatise is indispensable, and must supersede all others.'—*Daily Review*.

'Evidently been written with the view of supplying students as well as practitioners with some idea of the business of the Supreme Courts and the forms of procedure in use therein. . . . Every step in process, and every form in practice, is touched upon, its nature and object being explained in a short and business-like manner. . . . The work supplies, within reasonable limits, an amount of information to which the professional man as well as the student will find himself frequently indebted.'—*Courant*.

'Mr. Coldstream's very clear, condensed, and specific manual will be invaluable to practitioners, and we should think that it would be a most useful *vade mecum* to the Edinburgh agent also. There is no unnecessary disquisition in the text. The collection of Procedure Statutes and Acts of Sederunt is complete, and there is a good index.'—*Glasgow Herald*.

'A book of value to the practitioner. . . . It seems to afford the necessary information in all ordinary actions.'—*Journal of Jurisprudence*.

In demy 8vo, Second Edition, price 21s.,

Private International Law  
and the Retrospective Operation of Statutes.

A TREATISE  
ON  
THE CONFLICT OF LAWS,  
AND THE LIMITS OF THEIR OPERATION IN RESPECT OF  
PLACE AND TIME.

By FRIEDRICH CARL VON SAVIGNY.

Translated, with Notes, by WILLIAM GUTHRIE, Advocate.

WITH AN APPENDIX CONTAINING THE TREATISES OF BARTOLUS,  
MOLINÆUS, PAUL VOET, AND HUBER.

'Savigny, for the first time in modern days, brought to this subject original thought. In Savigny's system of the Roman Private Law, as at the present time, he devotes a volume to the consideration of Private International Law, in which he exhibits all the genius and power which have placed him at the head of scientific jurists in modern days, and given him a place equal to that occupied in former times by Cujacius.'—*Fraser's Treatise on the Law of Parent and Child.*

'Savigny's *System of Modern Roman Law* is perhaps the greatest work on jurisprudence which our age has produced, and Mr. Guthrie has done good service by introducing one section of it in an English dress to English lawyers and students. We hope that success will induce the translator to continue his useful labours, and that other parts of the same work will be produced, until the whole of it is made accessible to the profession in England.'—*Law Times.*

'The eighth volume of the *System* is well chosen for translation separately, both because it was regarded by its author as a complete and independent work, and also because it treats of matters which must be of constant practical importance in a country which has so many international rights and liabilities as our own. The law of domicile, in particular, is one which must, at the present time, attract much attention.'—*Athenæum.*

'Mr. Guthrie's excellent translation.'—Professor LORIMER's *Institutes of Law.*

'Mr. Guthrie's valuable translation of Savigny. . . . Mr. Guthrie's learned notes.'—WHARTON's *Conflict of Laws*, Philadelphia, 1872.

'This second edition will obtain, as it deserves, the same favourable reception as the first; and Mr. Guthrie is entitled to no small thanks for the care which he has bestowed on the book.'—*Scotsman.*

'We most heartily welcome a second edition of this valuable work.'—*Journal of Jurisprudence.*

In demy 8vo, price 20s.,

SELECT CASES

DECIDED IN THE

SHERIFF COURTS OF SCOTLAND.

COLLECTED BY WILLIAM GUTHRIE, ADVOCATE,

SHERIFF-SUBSTITUTE OF LANARKSHIRE.

'Mr. Guthrie has done his work of editing with his usual exemplary care and skill. He has printed no rubbish, he has wasted no words, he has fished with a long net, but classified judiciously, and he has always given the necessary information at the right place, keeping a steady eye to the readability and utility of his compendious compilation.'—*Scotsman.*

'We trust the present volume may have the wide circulation amongst Sheriffs and Sheriff Court practitioners which it unquestionably deserves.'—*Journal of Jurisprudence.*

*In One Volume royal 8vo, Second Edition, price 21s.,*

## TREATISE ON THE LAW OF ARBITRATION IN SCOTLAND.

BY

JOHN MONTGOMERY BELL, ESQ., ADVOCATE.

*WITH AN APPENDIX OF FORMS.*

'Take it all in all, it is one of the most honest, accurate, and thorough of law books.'  
—*Scotsman*.

'A book of solid and reliable information.'—*Glasgow Herald*.

'This second edition now given to the public has our unqualified approbation.'—*North British Daily Mail*.

'A treatise which may be pronounced perfect at the present hour.'—*Daily Review*.

'Mr. Bell's work has been since its publication of the greatest value to arbiters, whether professional or non-professional, as in it every rule for their guidance is clearly set out.'—*Courant*.

'In this work is contained every information at all connected with arbitration. . . . We have much pleasure in recommending the second edition of this useful work to the attention of the profession.'—*Journal of Jurisprudence*.

---

*In demy 8vo, price 8s. 6d.,*

## FORMS OF PROCEEDINGS IN MARITIME CAUSES BEFORE THE SHERIFF COURTS IN SCOTLAND.

BY

ROBERT NEILL,

SOLICITOR AND NOTARY-PUBLIC, GREENOCK.

'Mr. Neill's manual will be found to be of extreme value to lawyers in every mercantile community in Scotland; they will find in the text of the work a clear statement of what the rights of their clients are, and in the annexed forms a trustworthy example of how these may be enforced.'—*Glasgow News*.

'We should say that any agent dealing with shipping cases would find Mr. Neill's volume an exceedingly practical work.'—*Glasgow Herald*.

'A remarkably clear manual, setting forth in detail the points in maritime law which most generally come under the practitioner's notice.'—*Courant*.

'We can cordially recommend the work as one which should be in the hands of all practitioners in seaport towns.'—*Dundee Advertiser*.

'It is impossible to fail to recognise in every page the observations of a good lawyer, who knows the theory as well as the practice in this branch of law with a completeness and accuracy much beyond what is common.'—*Scotsman*.

Scotch Appeals, 1851 to 1873.

In Two Volumes royal 8vo, pp. 2244, price £5, 5s.,

REPORTS

OF

SCOTCH APPEALS IN THE HOUSE OF LORDS,

A.D. 1851 TO 1873,

With Tables of all the Cases cited, Notes, and Copious Index.

By JAMES PATERSON, M.A.,

BARRISTER-AT-LAW,

AUTHOR OF 'A COMPENDIUM OF ENGLISH AND SCOTCH LAW, STATING THEIR DIFFERENCES,' ETC. ETC.

'These volumes may be relied upon for a particularly full and careful account of all the Appeal Cases during the period which they embrace. It is, indeed, one of the most valuable contributions to the legal literature of Scotland of recent years.'—*Scotsman*.

'The name of Mr. Paterson is itself a guarantee that the work is well done; nothing seems to have been left out that could in any way tend to the elucidation of the cases, or that would make reference to them more easy. The reports are a valuable addition to the case-law of our country, and we are sure that before long every practising lawyer will have them at his hand.'—*Journal of Jurisprudence*.

In One large Volume, demy 8vo, price 31s. 6d.,

MANUAL OF POLICE LAW AND PRACTICE,

COMPRISING

AN ANALYSIS OF THE GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT, 1862, WITH NOTES OF DECIDED CASES AND RELATIVE STATUTES;

AND

AN APPENDIX,

CONTAINING

THE SCHEDULES APPENDED TO THE ACT, FORMS FOR CARRYING IT INTO OPERATION, INCORPORATED CLAUSES OF OTHER STATUTES, UNREPORTED DECISIONS, AND A TABLE OF PARALLEL CLAUSES IN THE ACT AND THE POLICE AND IMPROVEMENT (SCOTLAND) ACT, 1850.

By JAMES CAMPBELL IRONS, M.A., S.S.C.

REVISED BY E. ERSKINE HARPER, ADVOCATE,

And of the Middle Temple, Barrister-at-Law, Joint Assessor-in-Law of the Burgh of Leith.

'To members of Local Authorities, Burgh Magistrates, and indeed to almost all who are personally interested in our municipal and local government, this book will be of great value.'—*Scotsman*.

'The work reflects the highest credit upon the author and those who have assisted him, being manifestly the result of minute and painstaking research, and of skilful selection and arrangement of materials.'—*Glasgow News*.

'The fact that the subject treated of by Mr. Irons is a branch of law which is in daily practice in every place of any size, is of itself sufficient reason why it should be taken up and dealt with in an exhaustive way; and we feel bound to say that the manual under notice is excellently done. . . . We have not by any means exhausted the different matters dealt with by Mr. Irons in his manual, but we have given enough to show the wide sweep and importance of the volume. It is not too much to say that we have rarely met a more satisfactory or seasonable bit of work. It testifies to admirable skill in bringing scattered and, at times, rather dim lights to a clear focus; it also testifies to an extensive knowledge of a branch of law which is quite surprising. We commend the work to all who have, in whatever respect, to do with police law and practice.'—*Daily Review*.



*In Three Volumes imperial 8vo, price £9, 9s.,***DIGEST OF CASES**

DECIDED IN THE

**SUPREME COURTS OF SCOTLAND**

FROM 1800 TO 1868;

AND, ON APPEAL, BY THE

**HOUSE OF LORDS,**

FROM 1726 TO 1868.

Being a New Edition of the *Digest* from 1800 to 1852, by Mr. SHAW; and from 1852 to 1862, by Messrs. MACPHERSON, BELL, and LAMOND, Advocates. Revised, Consolidated, and Continued to 1868 by ANDREW BEATSON BELL and WILLIAM LAMOND, Advocates.

'As this excellently designed and excellently executed handbook has already been the theme of a paper in the leading journal of Scotland, as remarkable for its great literary power as for its appreciation of the value of the book which it reviews, it is less necessary for us to encroach on our scanty space for the purpose of criticising the labours of Messrs. Bell and Lamond. No procurator-fiscal can want it, and every lawyer engaged in criminal practice must constantly refer to it. No book can be compared to it for utility in its own branch of the law.'—*Journal of Jurisprudence.*

The Article 'CRIME' in the above *Digest* may be had separately, price 5s.

*In One Volume imperial 8vo, price 38s.,*

AN ANALYTICAL

**DIGEST OF CASES**

DECIDED IN THE

**SUPREME COURTS OF SCOTLAND;**

AND, ON APPEAL, BY THE

**HOUSE OF LORDS,**

FROM JULY 20, 1867, TO JULY 20, 1877.

Compiled from the Session Cases, with References to the Scottish Jurist and Justiciary Reports, by A. E. HENDERSON, DAVID GILLESPIE, and HENRY JOHNSTON, Advocates, assisted by J. PATTEN and G. R. GILLESPIE, Advocates.

*In preparation, in continuation of above,*

FROM JULY 20, 1877, TO JULY 20, 1885.

*Compiled from the Session Cases.*

BY HENRY JOHNSTON,

C. C. MACONCHIE, AND H. J. E. FRASER, ADVOCATES.

