

A voice from Derby to Bedlam.

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Royal College of Surgeons of England

Publication/Creation

London : Robert Hardwicke, [1864]

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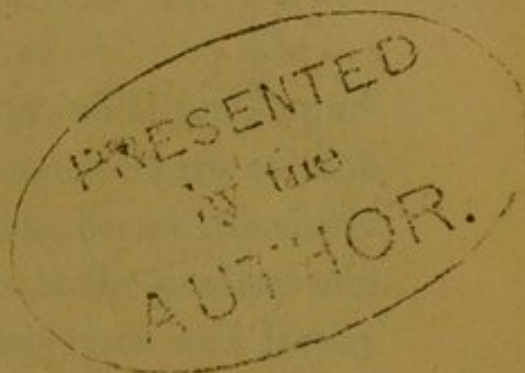


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A Voice

from

Derby to Bedlam.



"Cui male si palpere, recalcitrat undique tutus."

* * * * *

"Sed hic stylus haud petet ultro,
Quemquam animantem, et me veluti custodiet ensis,
Vagina testus : quem cur distringere coner,
Tutus ab infestis latronibus."—HOR.

1864
London :

Robert Hardwicke, 192, Piccadilly.

One Shilling.

A Voice

A VOICE

and

DRURY TO BEDLAM
Corby to Bedlam.

THE HISTORY OF THE
LIFE OF THE LATE
JAMES O'NEILL, ESQ.
OF THE COUNTY OF
DUBLIN, AND
OF HIS DEATH, AND
OF THE BURIAL OF HIS
BONES, IN THE
CATHEDRAL OF
ST. PATRICK, DUBLIN.

London:

Printed by J. G. & J. W. Smith, 10, Strand.

OR, &c.

A VOICE

FROM

DERBY TO BEDLAM.

A PAMPHLET entitled "Insanity and Crime," purporting to be a medico-legal commentary on the case of George Victor Townley, has been extensively circulated amongst the members of the medical and legal professions. Drs. C. L. Robertson and Henry Maudsley, the editors of the "Journal of Mental Science," avow themselves as the authors. It is to be regretted that these gentlemen have not particularized the chapters they had severally written. The pamphlet is dated January 30th. On the 9th of February all the correspondence and papers which related to the matter, and of which the greater and essential portions had previously been made public, were presented to the House of Commons. The attention of those who have read the former is invited to the revelations in the latter.

The commentators in their "History of the Case" describe Townley as "a man of quiet and refined manners, a good linguist, and an accomplished

musician," but omit to state that all the witnesses examined on his trial, and many who subsequently communicated with the Secretary of State, declared his natural disposition to have been "singularly gentle, very affectionate and very humane," so much so that, (to adopt the words of the Rev. Incumbent of St. Clements, Manchester, who had ample opportunity of judging of Townley's character,) "*He was the last man one would have supposed to have been guilty of any crime.*" It may be that those Psychologists are in great error who consider the natural disposition and ordinary habits of thought and feeling as important criteria for the formation of their judgment in reference to the character of a particular act.

We waive this point for the present.

Though Townley had attained considerable accomplishments in music and languages, it was affirmed on competent evidence that he had manifested "a very poor capacity for," and "a want of power to transact business." His was just the order of mind to form a "strong"—an overpowering—attachment. The commentators allow that such existed.

An engagement was entered into with Miss Goodwin. It seems from the evidence on the trial to have been the affair of Townley's existence. By the young lady it was differently regarded. She meets "the most delightful man she had ever seen

in her life." Influenced by the new attraction, she writes to be formally released from her engagement, attributes the request to the hostile interference of her grandfather, and concludes her note, "Don't take this too hardly in pity for me, I shall not marry if I can help it." "The letter appeared to turn the prisoner's head." The commentators admit he was "most painfully affected" by it. They consider it of no consequence however to state that his condition was such that his mother induced Mr. Arrowsmith "to stay up with him until four or five o'clock in the morning;" that his extreme nervous excitement was manifested by muscular twitchings of both hands and feet, "that a marked change in mind and manner was immediately evidenced," that he appeared to be "suffering seriously both in mind and body," that his manner became "strange" and "eccentric," in fine, (to use the words of the learned judge,) that his bodily and mental anguish for some time prior to his final interview was "as great as it was possible for any man to suffer." Townley replied to the letter in a manner the commentators describe to have been "natural and sensible." He said "he was not the man to stand in her way, that the sooner it was all settled the better." He begged for a last interview, adding, "though God knows what misery it gives me to say so." The interview was consented to by Miss Goodwin; then a wish was expressed, "She would

rather he did not come, but if he did he should find a note." While in a postscript was added "after all you had better come." Townley proceeded to keep the appointment.

The commentators think it unnecessary to follow him through his journey. It is possible that others may regard its incidents as most important in "the history" of a mind threatened from within by an hereditary taint, and assailed from without by circumstances of all others the most calculated to promote its active development. On Thursday, the 20th of August, Townley, acting on the advice of his friends and family, who "finally fixed he had better go to Derby," set out for that place. Witnesses declare him to have been suffering from want of sleep and food. On his arrival at the Midland Hotel, Derby, the promised note was not to be "found." It had not been received. Townley wrote a letter and posted it himself. The waiter, who observed him, thought him very strange in his manner. He was very pale, with a strange appearance about his eyes. "He walked about, muttering." He ate very little, but partook of soda-water and brandy. He remained at the hotel for that night. The waiter at the time thought him "not right in his mind," and then mentioned his impressions to others. The next day, at about 11 o'clock, Townley proceeded to the Rev. Herbert Harris, residing about one mile and a half

from Wigwell Hall. On his way he stopped at the Bull's Head Inn, and asked if there was a note for him. No note had arrived. He made arrangements to have a bed, and left his carpet-bag. He had two sixpennyworths of brandy-and-water, into one of which he put a pill (morphia, it is presumed, as his mother had previously advised its use). About half-past 1 o'clock he saw the Rev. Herbert Harris. Townley first learned from him the truth of his position, that he had been voluntarily forsaken, and that no "coercion" had been used. He then said, "Sooner or later I must see her. I have written to relieve her from the engagement; but I must hear from herself that she gives it up. She is of age. She is quite at liberty to please herself. I know I am not a good match, and I have no wish to stand in her way." Townley left the house. At half-past 4 o'clock Mr. Harris again saw Townley. His evidence is as follows:—"I told him I thought the best course was to write a note to Miss Goodwin, and send it by post, requesting her to see him in the morning. He said 'he had already written without effect.' I then said, 'Perhaps if you call at the house she will see you.' He said 'he would do so, and get it off his mind.' As he was leaving I asked him if I should see him again. He said, 'Shall you be in all the evening?' I said 'Yes.' He said 'he would call again.' He did not call again. He was perfectly calm and collected; his manner

was that of an ordinary man. There was nothing peculiar to attract my attention."

Townley's manner, as described by Mr. Harris, is scarcely consistent with what might have been expected on the part of a man who "had never been intemperate in any way," who, while almost abstaining from food, had in the course of the previous three hours taken as many glasses of brandy. With the exception of the housemaid at Wigwell Hall, Mr. Harris is the last witness who saw the prisoner previously to the commission of the murder. The evidence of his intermediate condition is given by Townley in terms not novel in the history of homicidal lunatics: "Something fell over me after that, the interview with Mr. Harris, and I do not recollect." It is believed that this evidence is important, as showing the animus of Townley in reference to the matter, and proving that the final interview, though contemplated, was not immediately anticipated, and at the time sought in accordance to the advice of another, so warranting the observation of the prosecuting counsel, Mr. Boden—"I never suggested that the prisoner went to Wigwell with the intention of committing the murder. On the contrary, I am bound to say that there is no evidence of any such intention; and I have no doubt the idea never occurred to the prisoner until after he found his hopes were disappointed."

The commentators did not consider this important

admission worthy of observation, and therefore have passed it *sub-silentio*.

Of the details of the murder nothing is known except from Townley's own lips. On his arrival, he asked for Miss Goodwin. She met him at the drawing-room door. They went into the garden together. She returned shortly afterwards to the house, and went out again at a quarter to seven. They seem to have remained together nearly two hours. What then took place is not on record. Townley, whose evidence is alone available, declares, "I had no intention to go and kill her. I lost all control over myself. I never contemplated killing her. The consequences would have been too horrible. They would have deterred me if I had thought of them. What I did was without thinking, and therefore without regard to consequences—I mean the consequences *to others*, not to myself." Townley proceeds: "Before I committed the murder I tried to get her to say the name of the man who had replaced me; but she would not. I never mentioned B. to her then, because I did not, from what she had written to me, once think of him. I kept down my feelings at that time as long as I could. But it overpowered me. I was worked up to a pitch of madness. I certainly used no threats before I stabbed her; but *I do not remember anything at the very last.*"

Considering that this avowal of Townley is at direct variance with the report of the second com-

mission, which says, "the details elicited from him show that he used threats of murder for some time before he struck the first blow," the commentators might, in the absence of any of the "details" alluded to, have manifested an impartial judgment by placing both versions before their readers. Townley's avowal is entirely consistent with his conduct previous and subsequent to the occurrence. The latter has no parallel in the history of crime. Townley, after striking the blow, follows his bleeding victim, supports her dying form, expresses his sympathy for "poor Bessy," declares himself to be "her murderer," and while she expires in his arms, kneels down and kisses her. Then for the first time does his mind react for his vindication: "She has deceived me, and the woman who deceives me must die." At no period did he seek to conceal his knowledge either of the nature of his act—he termed it "murder"—or of the consequences of it, for he said—"I shall be hanged!" With a calm, collected manner he meets the grandfather of his victim, delivers into his hand all Miss Goodwin's letters, and while the officers of justice are being sent for, he sits down in the drawing-room to tea. On their arrival, he gives himself into custody, delivers up the knife with which he had committed the deed, and, on his way to the station, observes—"I am far happier now that I have done it, and I trust that she is."

On the 11th of December Townley was brought to trial. The plea of insanity was raised. The commentators state that the proof of insanity rested almost entirely on the evidence of Dr. Forbes Winslow, who first examined the prisoner three months after the murder. They consider the evidence of the other witnesses, including Mr. Gisborne, as of no consequence. The learned judge who tried the case thought otherwise. The commentators attach importance to the rapid verdict of the jury, and to the entire concurrence of the judge with their finding. Have they read the correspondence on this matter? If so, they might have learned that, as in the case of Clark tried at Newcastle-upon-Tyne before Mr. Justice Willes, the approval of the judge of a finding on facts in relation to a rule of law, is no argument whatever that the verdict, as a verdict to be acted upon, should receive acquiescence from men having any pretensions to Medico-legal knowledge. Ordinary research would have informed the commentators that in almost every case in which the plea of insanity has been raised, the judge who approved most strongly of the finding of the jury, and passed the usual sentence, has *immediately* called the attention of the Secretary of State to the prisoner's mental condition, "as having so intensely important a bearing upon the question whether he ought to be executed." This was the course adopted by Mr. Justice Willes subsequently to his approval of

the decision of the jury on the trial of Clark, and also pursued by Mr. Baron Martin in the case under consideration. Secretary Sir George Grey did not think the evidence "to be by any means conclusive as to the necessity for a further inquiry." He asked the judge to state his reasons for suggesting that such should be instituted—"whether they resulted from the impressions produced by the medical evidence, or by the demeanour of the prisoner?" Mr. Baron Martin disclaimed the formation of an opinion from personal impressions, and in reply to the question, "Whether he thought Townley to be *now* insane," said—"I cannot say that I have formed any decided opinion upon the point." The commentators quote this paragraph from the judge's note, but omit what follows: "I would not be justified in saying that the evidence of Dr. Forbes Winslow and Mr. Gisborne is not correct; but I certainly think, and have thought ever since the trial, that there ought to be further inquiry." The commentators have less hesitation. *They* fail to appreciate the force of the concluding paragraph, or think it unimportant for their history. The interpretation suggested for it by a candid inquirer is,—that leaving the medical evidence an open question, Mr. Baron Martin thought the case one of a doubtful character, and therefore urged an investigation.

Sir George Grey felt it "impossible to refuse

an inquiry so strongly recommended by the judge." Impressed with the public importance of the affair he sought out those most competent for its investigation. To quote from the official papers, "he was not aware that, under the circumstances of the case, he could have entrusted the inquiry to more able or responsible persons, or to persons likely to conduct it with greater impartiality, and freedom from any pre-conceived opinions or doubtful theories." Three Commissioners in Lunacy, *viz.*: Mr. Campbell, Mr. Wilkes, and Mr. Foster,—official gentlemen of great ability and of high integrity, thoroughly accustomed to such investigations, and invested with the fullest powers—seriously impressed with the grave importance of the inquiry on which they were desired to enter, proceeded to Derby to report on Townley's *then* condition of mind. On the trial, the question in issue being Townley's mental state on the day of the murder, many important subsequent facts were excluded from the evidence. All circumstances were within the discretion of the commission. The Commissioners had lengthened interviews on two separate occasions with the prisoner. They examined the governor of the prison, the surgeon, the chaplain, the father and mother of the prisoner, the chief warder of the gaol, the four warders who, before and since the trial had exclusive charge of

the prisoner and who had watched him night and day. They did not examine Dr. Winslow. With a much wider field for observation, and a proportionately greater opportunity of arriving at the truth, the Commissioners fully confirmed the opinion which this eminent physician had expressed. They describe Townley's manners during their interviews :—"With one or two exceptions," they report, "he was remarkably calm, quiet, and self-possessed." They add—"we saw not the least ground for suspecting him of any intention to mislead us by putting on a manner not natural to him, or feigning what he did not feel." Having alluded to their conversation with him, they proceed to state—"In view of the extravagant opinions thus deliberately professed by him ; of his extraordinarily perverted moral sense, and of the hereditary taint alleged and apparently proved, to have existed in the family of the prisoner's grandmother, *we cannot consider him to be of sound mind.*" They conclude their report—"we think that *applying the law* as laid down by Mr. Baron Martin to this case, the prisoner George Victor Townley was justly convicted."

Dr. Forbes Winslow had stated that, "the prisoner knew that his act was contrary to law;" "that he knew that he had done a thing which would subject him by law to be hanged ;" but, "that with this knowledge, he was not in a condition of mind to estimate like a sane man the nature of his act, and its legal liability."

The commentators arbitrarily ignore this com-

plete identity between the opinions of Dr. Forbes Winslow and the conclusions of the Royal Commissioners in Lunacy, confirmed as both were by the evidence of numerous witnesses of the highest integrity and respectability. The question to be determined was not—Was the law right, or justly laid down, or was Townley insane according to law?—for on these points no doubts were permitted; *but was the prisoner of diseased mind so as in the judgment of competent authority, to bring his conduct within the category of insane acts without reference to the technicalities of any fixed rule?* Did the case come within the exceptional instances anticipated by Mr. Justice Maule, when he dissented from the unqualified decision of the judges? Was it an example of the danger of “unbending precedents,” suggested by Lord Lyndhurst? The Commentators appear not to have appreciated the distinction between the two propositions, and not to have recognised the fact that in a medico-legal commentary this antagonism between the *legal* ruling and the *medical* condition was of the very essence of the inquiry.

Sir George Grey says, “the Report of the Commissioners placed him in a painful position.” He was called on to determine how little of unsoundness of mind, and how much of crime was present before ordering for execution one admitted to be of “extraordinarily perverted moral sense,” and of “*unsound* mind.” Sir George Grey was relieved from

the difficulty by a certificate forwarded to him in pursuance of the provisions of a special statute. Upon this certificate Townley was removed to Bethlehem Hospital—the capital sentence being respited, but not commuted. The Commentators in their observations on this part of the case, adopt the exploded scandal that the inquiry preliminary to the certificate, “had been promoted and conducted entirely as a matter of professional business by Townley’s legal adviser;” as also that “the visiting justices of the gaol had consented to a preliminary inquiry into the state of the prisoner’s mind, for the purpose only of ascertaining whether there was sufficient ground for further and more formal investigation; and not for the purpose of sending a certificate to supersede that investigation” and they proceed to observe:

“At this stage the matter rests for the present. Townley is in Bethlehem Hospital; there is great public dissatisfaction at the way in which a criminal has been withdrawn from legal punishment; an earnest desire is expressed on many sides, that some definite conclusion as to what insanity shall mean may be come to; and all are agreed upon the necessity of abolishing a law, by which the power of reprieving any criminal is placed in the hands of two justices of the peace and two medical men, who may be moved by interest or inspired by a crotchet.”

In thus reviving the obsolete calumny which originated with the Derbyshire magistracy, in reference to Mr. Leech, the legal adviser referred to, it would have been well had the commentators, at the same time, stated that Sir George Grey, in his place in Parliament, entirely acquitted Mr. Leech of any blame in reference to his proceedings, and commended in fitting terms the humanity and energy which he had displayed. Before adopting, too, the innuendo, of being "moved by interest or inspired by a crotchet," it would have been equally well had the commentators examined, the official correspondence. They might then have known that the consent of "the visiting justices" is but a technical authority, which argues for them neither greater intelligence nor respectability than is possessed by their brother magistrates, and that the grave charge worthy of their inquiry was that raised by the justices in their letter to Sir George Grey, "suggesting a doubt as to whether the magistrates who signed the certificates of insanity in the case of George Victor Townley were aware of the nature and effect of the act which they so performed, the certificate being, it is alleged, in terms directly opposed to the publicly declared intention of those who signed them." This was the real question in issue, something more important than that of the personal pique of the Visiting Justices.

The first certificate was signed by Mr. Cox,

Mr. Foreman, and Mr. Roe, justices of the peace. The last of these gentlemen writes to the Secretary of State: "There was no doubt whatever existing in the minds of my brother magistrates and myself as to the nature and effect of the act performed by us in certifying to the insanity of George Victor Townley. Before we signed the certificate, the Act of Parliament bearing on the case was read and fully discussed and understood by us."

"With reference to our being 'put in motion by the prisoner's solicitor,' this is untrue, if by these words the Derbyshire magistrates wish to impute that any unjust or unlawful means were adopted to induce us to take the steps we did; and it is only by the words previously quoted, viz., 'put in motion,' that I surmise the Derbyshire magistrates would imply that 'Townley's removal to Bethlehem was effected by expenditure of money.'

"I have only to add that I did not take part in, nor do I know of, any act performed by my brother magistrates or myself in this business which did not arise from pure and conscientious motives."

The same feelings are expressed in the letters of Mr. Foreman, Mr. Cox, and Mr. Scott, to whose correspondence it will be requisite to recur. Each of these magistrates was firmly impressed with the conviction that Townley was insane.

It is to be regretted that with such official information available the commentators should, by a

premature publication, have committed themselves to opinions, and have adopted imputations so entirely at variance with the facts.

The commentators omit to mention certain occurrences of some medico-legal interest. The Derbyshire justices took exception to the certificate, "because it was made and dated on a Sunday," and also because the borough justices had not any jurisdiction or authority to act in the county gaol. The question has been before asked "Whether it was lawful to do such things on the Sabbath?" We commend the reply to the recollection of the Derbyshire Bench. Sir George Grey gave no attention to the flimsy technicality of the latter objection, which implied that a man should not cross the way from the Borough to the County to prevent the perishing of his fellow-creature. Failing in both of these efforts, the certificate was next impugned on the ground that Mr. Harwood, who signed it, though in practice for forty-three years—for twenty of which he had been in the habit of certifying under the Lunacy Acts—had not the special qualification required by the statute. Advised by the Lord Chancellor, Sir George Grey did not attach importance to the objections urged. These objections showed the animus displayed by the visiting justices.

Pending these disputes, additional evidence had been procured, which confirmed Sir George Grey in the resolution at which he had arrived. The visiting

justices had officially denied that Mr. Sims, the Governor of the prison, had "deposed to the fact of Townley being insane." Mr. Sims had written on the 13th of January to the *Times*:—"I never was at the trial asked by counsel whether I considered the prisoner sane or not. Immediately after counsel had elicited an opinion of insanity from Dr. Winslow and Mr. Gisborne, I was asked whether I considered the prisoner in the same state then as he was when he came into the gaol. My answer was in the affirmative—not that I meant to imply that I considered him insane, *for I have never done so.*" This note is subsequently quoted by the commentators, to establish that Dr. Forbes Winslow's statement is not entitled to credit. It was well known in Derby that Mr. Sims, the governor, made no secret of his opinion. He spoke without reserve or qualification to all engaged in the investigation of the case, as to Townley not being "right in his mind."

Mr. Foreman, in his letter alluded to, writes:—"I entered on the inquiry without any bias, and with a sincere desire to arrive at a just decision. I do not profess to understand the difference between insanity and unsoundness of mind, but I judged of the prisoner's mental condition to the best of my ability, and I came to the conclusion that he was insane. Our decision was unanimous; the chaplain, surgeon, and *Governor of the Gaol*,

who had been present during our examination, *entirely concurred in that decision*; and to sign at once the legal certificate was, in my opinion, the only course open to me, considering my conscientious conviction of the prisoner's insanity."

Mr. Cox writes:—"On the evening of the 25th December, Mr. Leech, the prisoner's solicitor, called at my residence, and desired to see me; and after explaining that an Act of Parliament provided that a certificate of a prisoner's insanity being signed by two justices of the peace, and two medical men, the Secretary of State should have power to respite such prisoner, requested me, in my capacity of magistrate, to make a judicial inquiry into Townley's state of mind. Previous to examining the prisoner, I requested to be informed of the exact purport of the Act of Parliament under which we were proceeding. Whereupon the *Governor of the Gaol himself produced the Act*, and it was read aloud in the presence of my fellow-magistrates and myself, and the medical men, the surgeon and chaplain of the gaol being present. We then proceeded to examine the prisoner, which we *did at great length, and with the utmost care*; my two fellow-magistrates and myself, the two medical men and *the Governor*, the surgeon, and the chaplain of the gaol being the only persons present. Having thoroughly convinced ourselves by such examination that the prisoner's mind was diseased to such an extent as to free him

from all legal and moral responsibility, the form of certificate was prepared *by the governor's clerk*, and was then signed by the mayor, Mr. Foreman, myself, Dr. Goode, and Mr. Harwood. Immediately after our signing the certificate, *the governor expressed his great gratification and approval of what had been done, adding, 'Now Townley could not be hanged!'* ”

Would Mr. Sims have so expressed himself if he had not clearly perceived Townley's mental unsoundness, and his consequent unfitness for punishment? How fully does this fact establish the accuracy of Dr. Winslow's statement respecting the opinion of the governor, and disperses to the winds Drs. Robertson and Maudley's unjustifiable attempt to prove that this physician had misrepresented the views of Mr. Sims!

Mr. Scott, another magistrate who was so strongly prejudiced against the prisoner “*as to wish him hanged at all costs,*” subsequently signed an amended certificate to remedy the technical defect arising from the question of the jurisdiction of borough and county justices. He writes—“I became convinced, and my conviction still remains, that the prisoner was of unsound mind, and my *own judgment was strengthened and confirmed by the opinions then expressed by the governor and chaplain of the gaol.*” Mr. Sims may well exclaim, “Save me from my friends,” who by thus eliciting the facts from the several

magistrates who signed the certificates, have accomplished a double good. They recal to his recollection opinions which he seems to have forgotten, and place on record additional evidence of Townley's condition of mind, which without this correspondence might never have appeared.

Referring to these inquiries, the Home Secretary writes:—"A letter has been received by the Secretary of State from Mr. S. Leech, styling himself attorney for the prisoner, in which he asserts that it is not the fact that he was present, or took any part at any of the examinations as to the state of the prisoner's mind, and that he has not conversed on the subject with any of the justices or medical men who made such examinations, but he has studiously abstained from doing so, and has in no manner attempted to influence or guide those whose duty it was to make the examination." The several magistrates confirm this statement. Yet the commentators think it not beneath their position as members of an honourable profession to assail Mr. Leech, and to repeat calumnies now known and proved to be without one tittle of foundation. As a matter between the magistracy and Mr. Sims it may be asked—Is it possible that the author of the letter written on the 13th of January was oblivious of what had occurred on the 26th of December? Or is he open to a more serious imputation? What did he mean to imply by "his

great gratification?" Are these four justices entirely in error? The commentators have impugned the integrity of Mr. Leech, and adopted the veracity of Mr. Sims as part of their argument. Further consideration must shake their confidence in the justness of their conclusions in reference to these gentlemen.

Having failed in their efforts to have Townley executed, the Derbyshire magistrates direct attention to the recorded opinions of Mr. Gisborne in relation to Townley's condition, and quote certain entries in his journal. One of these entries bears date the 25th of August, the day after he was received into gaol:—

"I conversed with Townley on several points; mind clear and collected, and satisfied."

And another, October the 6th:—

"Townley in good health, mind, and body."

These extracts, they affirm, invalidate his opinion given on the trial—"I considered he was of unsound mind when he entered the gaol." The commentators invite observation to the complaints of the Derbyshire justices, that they had not been informed by Mr. Gisborne of "his change of opinion." Mr. Gisborne well asks, Wherein his opinions affected the judgment of the Bench, inasmuch as the fact of their entry was unknown; his journal not having been read by them till the 3rd of January, several days after the respite had been accomplished? The com-

mentators offer no suggestions whereby this question might be answered; nor do they, even on the ground of consistency, vindicate the proceeding. This it was open for them to have done, inasmuch as the Rev. Mr. Moore, the chaplain of the gaol, had, early in the month of December, made a written report of Townley's insanity, which had been treated with equal indifference," of which the magistrates affirm "*that none of the visiting justices or county magistrates, excepting those who signed the certificate, 'had visited the prisoner, or taken any action whatever upon such evidence or report.'*"

In addition to the testimony of these four magistrates and the two medical men, who acted with them, statements were forwarded to Sir George Grey—one from the Rev. Cosmo Gordon, believed to be a man "of intelligence and good judgment," who had visited Townley in prison. He writes:—

"As I sat with the unfortunate young man this afternoon in his cell, *I trembled at his wildness, and but for the two men who watch him night and day, would have called for help. He cannot speak coherently, and I should blush for humanity and religion if the penalty should be carried out on an idiot.*"

John Booker, chief gardener of the Queen's Park, Manchester, deposes:—

"The prisoner always appeared to me gentle and kind. I have often talked with him, and know his

character. That on Sunday, the 16th day of August last, the prisoner, his brother, and a foreign gentleman, came into the park where I was, and the prisoner asked me to take them up to the roof of a house in the park, which commands an extensive and beautiful view, that he might show it to his friend, the foreign gentleman. *That I was so struck with the wild appearance he exhibited, and there appeared to be something so unusual and different from his ordinary appearance, that I told his brother I would not accede to his request, as I did not consider it safe to do so.* I have often noticed that the prisoner was eccentric in his manner and conduct; but on the said 16th day of August (a few days before the murder of Miss Goodwin), *he appeared to me to be of unsound mind."*

Samuel Ridley Smith, Treasurer of the Prestwich Lunatic Asylum, on the 23rd of August, in company with Mr. Arrowsmith, visited the prisoner. He writes:—"On my leaving the room in which the prisoner was confined, I told the police officer in charge that, in my opinion, *he ought to be near at hand and keep a strict watch upon the prisoner, as from the wild and excited appearance he presented I was apprehensive that he might do himself personal violence.* I saw a VERY MARKED CHANGE in his appearance and manner, and in my judgment his reason was affected and his mind shaken. That we have 800 lunatics in our asylum, and I am accus-

tomed to see them almost daily, and I feel myself fully qualified to give an opinion upon the subject; and having seen the prisoner again very recently, I am also of opinion that he is not now in his right mind."

These additional proofs of Townley's condition were not available until public attention was aroused to the possible calamity of the execution of a lunatic. Sir George Grey, subsequently to Townley's removal to Bethlehem, and in order to set the matter at rest and to secure everything being done in proper form, directed a second Commission to examine Townley.

Before proceeding to the consideration of the result of their investigation it is well to recall the exact position of the accused. Those who had seen and examined him at Derby, with one single exception, had pronounced him to be insane. Dr. Hitchman, the exception, writes, "I allege that Mr. Townley is not now insane, *in the legal sense of that term.*" Neither had Dr. Winslow or the first Commissioners said so. Dr. Hitchman states what he believes to be reasons for his dissent, which, as mere personal views, it is immaterial to examine. SIXTEEN competent, sagacious, and impartial witnesses, inclusive of the three Government Commissioners in lunacy had, prior to his leaving Derby for Bedlam, after continued and careful observation, declared Townley to be of "*unsound mind,*" and incapable of estimating "as a sane

man," the character and consequences of his act. Some of these witnesses had large experience in mental diseases; others had ample opportunities of forming a correct judgment of the ordinary criminal mind; all were of a character entirely reliable and trustworthy. They presented a rare combination of qualities, judicial, medical, magisterial, and official; each had specially studied Townley's case with a view of arriving at a correct opinion, and each coincided with the other as to the existence of the unsoundness of mind which Dr. Winslow had at the trial affirmed to be present.

It is no disparagement to the second Commission to declare that its claims to infallibility do not rank higher than those of its predecessor. The Commissioners, Drs. Hood, Bucknill, Meyer, and Helps, report as follows:—

1. "We have carefully considered the copies of papers supplied to us, and on the 26th and 27th days of this month (January) we have had two lengthened interviews with the prisoner, and the conclusion at which we have unanimously arrived is that George Victor Townley is of sound mind."

The interviews referred to by the Commissioners were deemed by them sufficient to supersede the carefully considered conclusions of their predecessors, viz., the Report of Messrs. Campbell, Foster, and Wilks, the three Royal Commissioners in Lunacy, as well as the anxious and painstaking investigation of

the magistrates, and the deliberate judgments of experienced and competent medical men. Is it an error to say that both Drs. Hood and Bucknill have recorded opinions at variance with this practice? Has Dr. Hood forgotten his observations on Dr. Davy's paper upon the case of Dr. James Pownal?*

When speaking of his release from the asylum, and the possible danger that might be the result, Dr. Hood says:—"I have been very much struck the last month or six weeks by this consideration; *I have been taught, perhaps, the lesson, how difficult it is to feel quite sure when you ought to certify that a patient is of sound mind.*" Has not Dr. Bucknill written in reference to the medical examination of the insane by experts with the view of giving evidence in Courts of Law? "Generally the physician giving evidence can at most say that he paid *two or three* visits to the accused and conversed with him in his *cell* in prison. In case of concealed delusions, or of disease affecting *the propensities*, *no medical man ought to give an opinion on such shallow grounds.*" "I am," he continues, "not ashamed to acknowledge that *I have observed patients DAILY for SEVERAL WEEKS, without being able to detect EXISTING DELUSIONS!*" Candid, and no doubt truthful admission! Has Dr. Hood outgrown the necessity of learning how difficult it is to feel "quite sure" as to a person's mental soundness? Or, has Dr. Bucknill changed his

* *Journal of Mental Science*, vol. vii., pp. 57, 58.

views of what ought to be regarded as "shallow grounds," ignoring altogether the possibility of his being unable to detect "existing delusions," even after *weeks* of careful and *daily* observation?*

2. "The demeanour of the prisoner during each interview was calm and self-possessed, with the exception that at the commencement of the second interview he displayed and expressed annoyance at the repeated examinations to which he was being subjected. Neither in mode of speech, nor in look and conduct, was there any sign of insanity observable in him."

Surely there is nothing in the description given by the second Commissioners, and already quoted, which is inconsistent with dangerous lunacy, or which, according to the previous observations of Drs. Hood and Bucknill, *per se*, is incompatible with disease affecting "the propensities" sufficiently to render a man of unsound mind! In their observations the Commissioners differ from the judgment of many intelligent and experienced men, who for three months had possessed ample opportunities for observing Townley's mental condition.

3. "His prompt apprehension of the purport of our questions and the manner in which he replied to them, indicated the possession of good intellectual capacity."

* On the Classification and Management of Criminal Lunatics. By Dr. T. C. Bucknill. p. 36.

What were the questions asked to which the Commissioners refer? No details are furnished of the nature and extent of the examination instituted. Is the *ipse dixit* of a commission to be accepted as scientifically conclusive against published evidence and accumulated testimony?

4. "The opinions which he avows, that men, as the creatures of circumstances, are not justly responsible for their own actions, are opinions at which he appears to have arrived by ordinary process of reasoning."

The former Commissioners had recorded that "His (Townley's) views of right and wrong, false as they are, appear to have been coherently acted upon with a full sense of what they involved." Surely men of experience will not contend that an ordinary process of reasoning on premises intrinsically unsound is any evidence of sanity of mind! If so, what becomes of Esquirol's class of "reasoning madmen?"

5. "That he knows that he is responsible for the commission of crime is made clear by his own words to us: 'I expected to be hanged because I killed her, and am not such a fool as not to know that the law hangs for murder. I did not think of it at the time, or I should not have done it.'"

It was never affirmed that Townley was not aware of the legal consequences of his act. Many inmates of Asylums are so. The Commissioners would imply that had Townley thought of his being hanged

he would have exercised self restraint. This interpretation is completely at variance with the evidence of many witnesses and with the voluntary avowal of the prisoner himself. "I never," he said, "contemplated killing her. The consequences would have been too horrible. They would have deterred me if I had thought of them. What I did was without thinking, and therefore without regard to consequences. I mean the consequences *to others*, not myself." The commissioners may possibly have read of instances in which homicidal lunatics have lamented the grief occasioned to others by their crime; yet in the present instance they give an interpretation to Townley's expression which ascribes his regrets to apprehension for personal safety, despite his manifest disregard of himself, throughout the entire proceeding.

6. "We think that his statement that he killed Miss Goodwin to repossess himself of her as his property was an after-thought adopted to justify his crime. He acknowledged to us that he had come to this opinion after the deed was done."

Upon what grounds do the Commissioners arrive at their conclusion, that his design of repossessing himself of Miss Goodwin as his property was an after-thought? Is the thought less delusive because suggested by the prisoner's mind for his own justification? Here the Commissioners seem to reason in a circle, and to infer the statement to be

an after-thought by reason of the crime, and to explain the nature of the crime by the character of the after-thought.

7. "The supposition that he killed Miss Goodwin under the influence of the opinion that in so doing he was repossessing himself of her as his property, is inconsistent with his own repeated statement to us that, without forethought of any kind, he killed her under the influence of sudden impulse."

8. "He explained to us that by killing Miss Goodwin to repossess himself of her as his property, *he simply took her out of the hands of his enemies*, and placed her in a position where she would wait and where he would rejoin her when she died."

Surely the Commissioners do not regard the prisoner's explanations as in themselves evidences of sanity? If so, all argument must end.

9. "The prisoner endeavoured to represent the catastrophe to us as due to the influence of sudden impulse; but the details which we elicited from him show that he used threats of murder for some time before he struck the first blow. We think that his clear memory of the events attending the crime, and also the attempts which he has made to misrepresent the state of his mind and memory at the time of these events, are evidence of his sanity."

The Commissioners adopt the view of the sudden impulse as subversive of an alleged opinion, and then proceed to set aside the presumption

of impulse as inconsistent with the confession of threats. This reasoning upon a reason, this blowing hot and cold in matters of argument, is a most unscientific procedure. Here, again, it is to be regretted that there is no transcript of the examination of the second Commission. The distinct denial of Townley is on record: "I certainly used no threats before I stabbed her." Why seek to deceive the second Commission when he had declared to the first, "I suppose you are examining me to see if I am of sound mind? I infer this from the questions you put. I believe myself to be of perfectly sound mind. I am perfectly satisfied, and perfectly clear, and perfectly easy on the point of what I did." The argument of sanity drawn from his "clear memory" is worth nothing. The memory of the insane is generally most vivid. What the nature of the attempted misrepresentations was, the Commissioners do not mention.

10. "We are of opinion that he does not entertain any delusion on the subject of a conspiracy against him, but that he uses the term 'conspiracy' to express the real opposition which he has met with from the members of Miss Goodwin's family to his engagement with her, and also to express the feelings that they are hostile to him."

The first Commission had expressed a similar opinion to that announced by the second in reference to any delusion on the subject of a con-

spiracy, but regarded the impressions of Townley as '*a disordered and morbid view of an actual occurrence.*'

11. "We have considered the evidence of hereditary predisposition to insanity given in the papers supplied to us, and our opinion of the prisoner's state of mind has not been altered thereby."

The former Commission had given consideration to the same points, and deemed them not undeserving of attention.

The Report concludes :—

12. "We examined the apothecary and also the chief attendant of Bethlehem as to the conduct of Townley since he has been in detention at the hospital : both of them had him under daily and special observation, and they assured us that neither in conduct, manner, nor conversation, had they been able to observe in him any of the peculiarities which they are in the habit of remarking amongst the insane."

In contradistinction to the opinion of the attendants in Bethlehem, accustomed to observe the *insane*, may fairly be placed the judgment of the officers and warders of the Derby gaol, habituated to the regulation of the *sane*. Both declare him to have been different from the ordinary inmates of their respective institutions, and in the absence of any determining reason, the decision ought to be given in favour of the warders of the prison who, positively and conclusively testify to what they did observe, rather than to the negative proof of the

Bethlehem officials, who failed to observe anything—a not unusual matter in a ten days' history of mental disease, particularly when we know that these attendants have many hundreds of lunatics under their care.

Without seeking to further detract from the importance of this report, it may be well to mention that both Commissions directed attention to the same points. That the clearly expressed opinion of the former was literally confirmed by Mr. Sims, and also by a number of intelligent and trustworthy witnesses who had not a shadow of doubt as to Townley's unsoundness of mind, while the last Commissioners, though agreeing with their predecessors on many of the most important particulars, arrive at a precisely opposite conclusion! The medico-legal Commentators have instituted no comparison between the two Reports, but have (for reasons too cogent to be for one moment misunderstood) adopted the latter as conclusive. Their arguments for so doing it will be satisfactory to further investigate.

The Commentators next proceed to consider the "medical evidence of insanity." As their previous observations had been remarkable alike for suppression and perversion of facts on every point essential to the inquiry, it could scarcely be expected that their criticisms on this very important feature of the case would prove more deserving of confidence. In this second section the

Commentators state their reasons for anticipating by two months the usual issue of their journal—it was that whilst the public mind was unsettled on a great and important matter, Dr. Forbes Winslow might be subjected to “puny” disparagement, and made the butt of silly pleasantries. In justice to the Commentators it must be admitted that by thus unmistakeably proclaiming their object, they have made the best amends in their power for publishing an “article” which might otherwise have proved a mischievous trifling with medicine and law. As, however, it was a *person* rather than a *principle* they intended to assail, it would have been more in keeping with the spirit manifested had they deferred its publication until the appearance of their journal on the 1st of April. By not having done so, they have deprived the publication of much of its point, and are unjust to themselves. The Commentators quote the observation of Dr. Winslow referring to his interview with Townley. “He was not aware of my name, or of the object of my visit. His behaviour was quite natural and not assumed.” The last paragraph is in accordance with the report of both Commissioners. The former observation is considered as deserving of a special note,* to

* “Did Mr. Winslow imagine that Townley mistook him for an itinerant preacher of the Gospel, who, with benevolent design, was making this minute examination into the state of his thoughts and feelings? Or did he, with still more confiding simplicity, think that so skilful and energetic a tactician as Mr. Leech proved himself, had

convey what it is presumed is intended as a "medico-legal" pleasantry. Though this note is in keeping with the rest of the commentary, it is still worth while to transcribe it as an illustration of the diversity of style and taste indulged in by the Commentators when they change from the puerile to the personal. The discussion of the question of life and death, and the grave inquiry as to whether the law is adequate to extend justice to those afflicted with disease, as well as the investigation of how far physicians can aid the Executive in the prevention of wrong, was scarcely a fitting occasion for such frivolity.

Reference is made to Dr. Winslow's desire to guard himself against the expression of any speculative opinion as to Townley's insanity, on the 21st of August, the day of the murder. Dr. Winslow's letter to the *Times*, the 22nd of December, is quoted, in which he writes:—"I deposed only to what I myself observed of his mental state when I examined the prisoner on the 18th November and the 10th December. On both of these occasions I, in common with Mr. Gisborne, surgeon of the prison, and Mr. Sims, the governor, found him insane."

failed to give his client any kind of notice of the interview with his 'expert?' " These questions are gravely asked in the teeth of Mr. Leech's solemn declaration that he had abstained from mentioning Dr. Winslow's name to Townley, or had referred in the slightest degree to the purport of his visit. Mr. Sims, the governor, confirms Mr. Leech's statement.

The Commentators regard two circumstances as conclusive against this opinion, one affecting its veracity, the other its validity—the former being the letter addressed by Mr. Sims to the *Times* on the 13th of January, and the latter resting on the alleged disparity between the recorded opinion of Mr. Gisborne, and that which he expressed on the trial. Mr. Sims' letter has already been discussed. The important difference between its statement and those of *four* magistrates, who affirm that in the presence of each other, as well as of the chaplain and surgeon to the gaol, Mr. Sims' avowed opinions he therein repudiates, precludes his testimony from further consideration. Mr. Gisborne has replied to the charge of inconsistency urged against his evidence in a letter the Commentators describe "as curious and rambling." Though ready to admit that the authors of the commentary therein manifest a practical acquaintance with that special character of composition, it still may be permitted a candid inquirer even on this point to doubt the propriety of their opinion, and to urge as sufficient argument in support of an opposite view the direct difference, both in matter and manner, of Dr. Gisborne's letter and the "article" under consideration. To those who could venture to treat an important public inquiry in the spirit manifested in this commentary, it is more than probable that hasty opinions formed on an imperfect examination would commend them-

selves. To the careful observer it may be an argument in favour of the reliability of Mr. Gisborne's ultimate views, that they were not arrived at without much and anxious deliberation on his part. Mr. Gisborne thus expresses himself in a letter published in the *Derby Mercury* of the 13th January:—

“Up to October the 6th I never once alluded to the crime on which he, Townley, was to be arraigned, for with that I had nothing to do. My conversations with him had only proved to me that his mind was weak, and that he was ill educated. The evidence thus before me disclosed no grounds for suspecting insanity. I was impressed as the public were, that he was sound in mind and body! The last note was made for recalling to my memory his general state of health, and not the visiting justices with any information. As soon as a winter assize was arranged, I visited Townley more frequently, not that he required it. I also made repeated inquiries of the governor, chaplain, and turnkeys as to what they had observed and as to his remarks. I did so because I thought the judge might ask my opinion as to his mental condition. During the last seven or eight weeks I frequently discussed and entered into details of the horrible tragedy and his religious views. He was always open and unequivocal in stating his opinions, though they were of the most absurd character. He justified his acts, and often expressed comfort at the approaching ter-

mination of his life. Sometimes I thought his monstrous notions might be all pretence—that he had an object to accomplish; so I often travelled over the same ground with him to test his sincerity. From all I saw and heard I was sorely perplexed as to the true state of his mind. Sometimes I thought he was insane. Again I thought he was sane. In this difficulty I remained till the assizes approached. Mr. Leech called on me a fortnight before the trial. I told him that I was desirous of having nothing to do with either the prosecution or defence, that I could only state to the jury what I had observed, and that I considered Townley suffered from a morbid condition of mind. Some days afterwards I had a consultation with Dr. Hitchman, and our joint opinion was that no case of *legal* insanity could be established, and that an intelligent jury would be certain to find him guilty. About this time Dr. Forbes Winslow, a great authority in lunacy, saw Townley and reported on his case. This I read carefully. Dr. Winslow had no doubt that Townley's delusions and statements emanated from organic brain mischief—that he was insane. I put all these varied and accumulated facts, opinions, &c., together, and after balancing the evidence before me, and endeavouring to give a mature and impartial judgment, I came to the conclusion, through the portals of doubt, that Townley was of 'unsound mind.' ” Mr. Gisborne's caution in arriving at an opinion will

at least find commendations from Drs. Hood and Bucknill, who have recognised the difficulty of similar positions. It affords to the Commentators the opportunity of quoting from a scurrilous work of fiction which has generally been regarded by medical practitioners as a scandalous libel on those members who especially study diseases of the mind and practise in cases of lunacy. Discretion seldom prevails when congenial companionship is in question. The Commentators have manifested so far, such reciprocity with this abusive writer of sensation novels, that they are only candid in proclaiming the source of their inspiration. "Hard Cash" is indeed an appropriate work for a medico-legal reference in matters of Insanity!

The Commentators make a point that Dr. Hitchman, whom they describe as "an eminent psychologist and a conscientious man," was unable after careful examination to find insanity in the prisoner. Mr. Gisborne explained that Dr. Hitchman agreed with him in his view that "legal insanity" was not present.*

* Dr. Hitchman's letters "On the Townley Case," which appeared in the Derby papers on the question whether this unhappy lunatic should be transferred to the benevolent hands of a public executioner, are well worthy of perusal. They are fine specimens of bombastic and inflated English, and the "forcible feeble" style of composition. Common feelings of humanity, if not a regard for the honour of the medical profession, might have deterred this "eminent psychologist

It is unnecessary to go minutely into the evidence of Dr. Winslow, inasmuch as it agrees in all important particulars with the facts deposed to by both Commissions. Dr. Winslow observed—“In my opinion, he (the prisoner) is at the present moment a man of a deranged intellect.” When, on cross-examination, he was asked to state in express terms the form of Townley’s mental disease, Dr. Winslow replied, “I would call it ‘general derangement as to his mind, perception, and intellectual appreciation,’” and added that it was possible Townley was conscious that the opinions entertained by him were contrary to the general opinions of mankind, and, if acted on, would subject him to punishment.

The Commentators hit upon one part of Dr. and conscientious man” from thus employing his pen. Whatever his private feelings might be respecting the plea of insanity, he should, when urged by others to address the public through the press on the subject, have said, “Oh, no, I cannot volunteer to write a word regarding Townley. I was employed professionally by the family to assist them in their difficulty. They gave me their confidence, and paid me a fee of ten guineas, which I retained, for examining him in the Derby gaol.” “I cannot speak unless called on by the Crown.” “Conscientious man!” His two friends, the authors of this pamphlet, talk of him as an “eminent psychologist!” In what respect has he exhibited his “eminent” psychological knowledge? Beyond the range of the asylum in which he resides, has his light ever been seen to radiate? What are his contributions to the literature and science of Psychology? We are acquainted with none. Whoever heard of the name of Dr. Hitchman in relation to any one of the important proceedings in lunacy that have occurred in this country? Dr. Hitchman may also well exclaim, “Save me from my friends!” when they thus costentatiously drag him from his obscurity.

Winslow's evidence, and therein discover much cause for exultation. It is as follows :

“ Last evening he said he had for some weeks before the 21st of August been under the influence of a conspiracy ; that there were six conspirators plotting against his rest, and meant to destroy him, with a chief conspirator at their head ; that the conspiracy was still going on whilst he was in prison, and that he had no doubt if he were at liberty the conspirators would then continue their operations against him ; and, in order to escape from them, he would be obliged to leave the country altogether.” The Commentators argue, “ The Report of the Commissioners, however, proves satisfactorily that the so-called delusion as to a conspiracy was a natural belief justified by facts.” The Commentators, as usual, are inaccurate. The report of the last Commission is as follows :—

“ We are of opinion that he does not entertain any delusion on the subject of a conspiracy against him, but that he uses the term ‘ conspiracy ’ to express the real opposition which he has met with from the members of Miss Goodwin's family to his engagement with her, and also to express the feeling that they are hostile to him.”

The former Commissions had observed—

“ Upon the point of his alleged belief in a conspiracy against him we pressed him very closely ; but we could not satisfy ourselves that this was

in the nature of a delusion. It seems certain that some members of the deceased's family objected to his engagement with her, whilst others favoured it, or were indifferent to it; and that the former had obtained an influence over her some time before her letter was written, which was meant finally to put an end to it. Hence he believed that she had been acted upon by a conspiracy which was meant, "in the tenderest point," to injure him; and all the questions he put upon this part of the case failed to draw from him anything that could bear other constructions than that he had taken *a disordered and morbid view* of an actual occurrence.

This latter is the true signification of Dr. Winslow's evidence. Will the Commentators venture to assert—and their rashness is great—"that a disordered and morbid view of an actual occurrence" has not led to the most terrible calamities on the part of those "suffering from general derangement as to their minds' perception, and intellectual appreciation?" The Commentators observe that Dr. Winslow founded his opinion of Townley's madness, —first, on the existence of a delusion as to a conspiracy; secondly, on the extravagant notions which the prisoner is said to have had with regard to Miss Goodwin being his property; and thirdly, on the great perversion of his moral sense." Dr. Winslow must certainly be surprised (it is not a matter for amusement) at this attempt to analyse his opinion.

In no part of his evidence is the term "delusion" used. If his testimony were based on the presence of a delusion—there was no necessity for giving an open opinion as to the general mental derangement which he alleged to exist. To prove Townley to have been a monomaniac would have concluded the inquiry. But neither on the trial or in his subsequent correspondence has Dr. Winslow affirmed that the prisoner's view of the "conspiracy" was other than that which the first Commissioners regarded it,—a manifestation of "the disordered and morbid view" of an actual occurrence. Certainly the most difficult cases of unsoundness of mind are those in which real grievances are perverted by "the disordered and morbid views" of the insane, and form the incentive to conduct having, therefore, the semblance to crime. Have the Commentators no knowledge of cases in which insanity has been held to exist under such circumstances? Have they heard of, if not read, Mr. Erskine's observations, in defending a young woman indicted for murder, and acquitted on the ground of insanity? "The facts and circumstances which overpowered her understanding were strictly true: she was cast off by a Mr. Errington, with whom she had lived, and his marrying or taking under his protection another woman excited her grief and jealousy to such a pitch that she could no longer control her actions; she accordingly, having procured a pistol, de-

liberately went to his house, where she shot him. She did not, he repeated, act under a delusion that he had deserted her when he had not done so, but she took revenge upon him for his actual desertion of her.”* The trial of John Overston for feloniously shooting George Crawley, with intent to murder him, is a further illustration of “a disordered and morbid view of an actual occurrence.” This case, tried before Baron Maule, is full of interesting details. Real grievances and actual causes for resentment existed. George Crawley had put a distress into Overston’s house. Overston sent him a message to meet him at his counting-house, and there fired at him. Dr. Conolly deposed:—“He had known many cases where pecuniary losses and domestic affliction had deprived the mind of reason. This happened, in fact, in innumerable cases, and they were more frequently the causes of insanity than others of a physical nature. In his opinion, the mind of the prisoner had been gradually losing its power from the difficulties in which he felt himself surrounded, and that the crisis had arrived when he committed this act; and he did not consider that his being at the present time, or very soon after the transaction, in a state of perfect sanity, in any way affected the opinion he had formed, or was at all inconsistent with that view of the question. Dr. Conolly added that, at the present time, he

* Psychological Journal, vol. v. p. 189.

was acquainted with several perfectly analogous cases.”* The Commentators appear now, for the first time, to have had brought under their notice a class of cases in which “general derangement exists, and in which the sufferer does not appear to have a sane opinion on a moral point.” A not unfavourable illustration of the efforts of the Commentators at logical inferences is contained in the following extract:—“The ideas so extravagantly expressed with regard to property may have a more natural interpretation than the downright imbecility which, as interpreted by Dr. Winslow, they would indicate. To argue that the woman who deceives you must die is not evidence of intellectual disorder, however much it may mark moral deficiency: it is simply the argument which the Sultan employs when he sends the erring inmate of his harem on her last sail on the Bosphorus.” It certainly is a strange analogy which identifies the two: as well might they say that Townley, who never had left England, would have been a mussulman had he worn a Turkish garb, and salaamed his friends. This is in truth but a repetition of the old argument of a horse-chestnut being identical with a chestnut horse.

The Commentators, with a full knowledge of all the facts before them, think it consistent with *truth* and honesty to write:—“It was in reality, then,

* Psychological Journal, vol. i. p. 176.

entirely on Dr. Winslow's evidence, that the theory of the prisoner's insanity rested." Assume it to be so: how profound must have been his discrimination—how subtle his analysis of Townley's mental condition, which enabled him, by the aid of his vast experience, to anticipate the testimony of the many reliable and competent witnesses who have since corroborated his views! Mr. Baron Martin thought the case one for "further inquiry." Mr. Gisborne, surgeon of the gaol, Dr. Goode, Mr. Harwood, who for twenty years had charge of the pauper lunatics of the town, and the Medical Commissioner of Lunacy, as medical men, were of the same opinion. The two legal Lunacy Commissioners, the governor and chaplain of the gaol, thought him of unsound mind. The four warders in perpetual charge have testified to the same view of his condition. The Rev. Cosmo Gordon has added his similar observation—the four magistrates who most carefully examined him without any other object than the promotion of justice have given identical opinions. His family and friends offer the weight of their testimony to the same effect. For what reasons do the Commentators ignore these opinions, or believe that their value is in the least degree diminished by the rashness of the supplemental commission, or the curious psychological reasoning of its report? Why do they write this commentary, suppressing fact and perverting truth? It may be

they do so for other objects than those its perusal suggests — the assailing a professional brother, whose life has been devoted to the conscientious study of such diseases, who for more than twenty years has been the unquestioned authority in those matters, who has never hitherto given evidence on any criminal trial in which the Crown did not act upon his opinion, and who might fairly have expected from the hands of the Commentators, if not an able, at least an honest and truthful, examination of the entire facts of this most painful case. Surely medical criticism has a higher aim than that apparent from this commentary. It cannot be that periodical literature is so degraded and degenerated that medico-legal criticisms of this partial and one-sided character are to be regarded as equivalents for the teaching of matured and special experience. Dr. Winslow can well afford to preserve a dignified silence under such personal and unprofessional attacks, being sustained by the conviction of duty conscientiously performed, and firm in the anticipation that time alone is requisite to substantiate the perfect accuracy of his opinion. His evidence has before this been subjected to criticism. His testimony saved McNaughten from the gallows more than twenty years ago. His insanity was afterwards established beyond all doubt. Are the criticisms of his opinions given on the trial of Mrs. Brough, Westron for shooting Mr. Waugh, Atkinson, Rev. Mr. Willoughby,

and numerous other criminal cases in which Dr. Winslow gave testimony, been forgotten? During the last five-and-twenty years this physician's evidence has invariably been received with marked respect and deference by distinguished judges; and we venture to assert that, without an exception, the subsequent history of each criminal whom Dr. Winslow caused to be placed under medical care has fully established the sound and scientific character of his testimony. Such will be the result in the case now under consideration. Time will demonstrate that Dr. Winslow had arrived at a right conclusion. The authors of this pamphlet fully believe that Dr. Winslow's opinion will eventually be found right, and thus they seek (cleverly as they conceive), to guard themselves against such a damaging contingency:—“*We would not overlook the fact that, in the future, insanity may possibly be developed in this man of low moral powers, and alleged hereditary taint, now subjected to all the horrors of remorse in the solitariness of penal servitude.*” What length of time it will require before the “horrors of remorse” so materially affect a man of “low moral power” it is difficult to determine. It is generally believed that persons of this character were of all others less likely to be so influenced. This saving clause, therefore, commends itself specially to the notice of the profession.

In the name of humanity we protest against

proceedings such as these. When medical men are called upon to aid the cause of truth and justice by informing the court of the conclusion which their special experience suggests, are their observations to be perverted, their motives misrepresented, and their honesty impugned? This is the course pursued by these Commentators. They join the popular cry, and are led away by the rabble shout.

They do so not in the excitement of horror at a recent catastrophe, but on reflection, and in the presence, and despite of an amount of scientific and general testimony which even at their hands might have found respect. If this be tolerated, it will, it is to be feared, prove but the beginning of the end. Timid men, who dread to encounter public obloquy, will shrink from the discharge of difficult and dangerous duties. They will hesitate ere they subject themselves to be assailed by the "puny pens" of unscrupulous scribblers. The consequence must be that those calamitous cases, which more than all others demand the most experienced for their investigation, must be left to the judgment of rash thinkers, who, like the Commentators, with small discretion, will deem their duty fittingly discharged by taking a partial and one-sided view of the matter. It rests with the members of the medical profession to say if they will tolerate these proceedings, which, under the transparent guise of scientific criticism, have impeached personal veracity,

and assailed professional honour and honesty. We much mistake our brethren if they will not condemn the course which has been pursued by Drs. Robertson and Maudsley. It is no part of our design to extenuate crime, or urge the slightest commiseration for a criminal. Had ungoverned passions or reckless lust for the moment permitted anger to usurp the place of reason, our voice should be raised amongst the first to vindicate the law, and to urge the punishment of the crime. Here it is not so. Here a man is pronounced to be of "*unsound mind*" by those most competent to form an opinion of his sanity, and the result of their careful examination and anxious judicial deliberation is that though, through infirmity of mind, incompetent to exercise "a sound" judgment, he is, notwithstanding, legally responsible. The Commentators ignore the fact of the conflict between the *legal* doctrine and the *medical* reality of mental disease, and in opposition to the views of scientific psychologists uphold the tests which the former has prescribed. Dr. Forbes Winslow, for venturing to do otherwise, has been made the subject of observations to which happily medical criticism offers no parallel. If Dr. Winslow has erred in his judgment, which we entirely deny, it must be admitted that he has done so with those of the highest authority. If Townley deceived Dr. Winslow, with what object did he do so? Not certainly for the purpose of saving his life, inasmuch

as he, like other criminal lunatics, indignantly repudiated the plea or excuse of insanity. This he did to all, including the Commissioners who found him to be of "unsound mind," yet *legally* responsible. Have these Commentators read the observations made by Lord Kenyon on the trial of Hadfield? If so they ought to know the value of barren technicalities. Lord Kenyon says, "Insanity must be made out to the satisfaction of a moral man, meeting the case with fortitude of mind, and knowing the anxious duty he has to discharge: *yet if the scales hang tremulously, throw in a certain proportion of mercy in favor of the prisoner.*" For the sake of science this Commentary is to be regretted. The anomalous distinction between medical and legal insanity cannot be allowed to continue. There is no doubt that before long a revision of the questions submitted to, and the answers received from the learned judges in reference to the legal standard of responsibility in cases of insanity must undergo a supervision. To quote the words of a learned author—"The law must not keep in her rusty armoury a test of sanity which every man who has any knowledge of the subject knows to be vain and futile; the law must not keep this relic of an unenlightened age by her, to be brought out, as whim, or chance, or the feeling of the hour may dictate to slay those whom the Almighty, in His mysterious—most mysterious providence—has

visited with a disease, compared to which all other and mere physical diseases are but as nothing. Such beings, instead of being dragged to the scaffold, or thrust into the prison-house, should be hallowed by their great misery. The heathen worshipped the tree that had been struck by lightning; let not Christian men be found less easily moved to sympathy with human sorrow."

The Commentators having, as they conceive, disposed of the medical evidence in proving to their own satisfaction, though not to that of anyone else, that the first Commissioners had no just grounds for arriving at the conclusion that Townley was of "unsound mind," proceed to argue on the premises they repudiate, and for this purpose adopt the conclusions of the Commissioners—that "Townley's views of right and wrong, false as they are, appear to have been coherently acted upon, and with a full sense of what they involved." With consistent reasoning they affirm—"If Townley was insane, it was from some form of partial insanity that he suffered." And they ask—"What are the categories of partial insanity to any of which it may be thought possible to refer the alleged madness of Townley?" This simply begs the entire question. It implies an assumption on the part of the Commentators that mental diseases are capable of arrangement within the narrow limits of a definition. That the Commentators have not met cases of

mental affections analogous to those of physical diseases, which are best described as conditions of "general derangement," may be inferred from the limited views they express on this subtle subject. Dr. Winslow, in his more matured experience, has done so, and we incline to the opinion that until better reasons be urged than those advanced by the Commentators, his views as to the existence of this form of disease will not be set aside. The Commentators inquire whether Townley's insanity can be referred to either—1, *Monomania*, or *Partial Intellectual Insanity*; 2, *Moral Insanity*; 3, *Impulsive or Instinctive Insanity*? With curious candour they add:—"The currency which these names have obtained necessitates the present use of them, ill-chosen and objectionable as they unquestionably are." Why are the names "ill-chosen and objectionable?" The reason is obvious: they fail to embrace illustrations of disease such as that exemplified in the case of Townley. The proposition on the part of the Commentators stands thus:—The category of partial insanity is "ill-chosen and objectionable"—the form of insanity alleged to exist does not come within its provisions—*ergo*, there is no such form of insanity. This is logic with a vengeance, for which we should be wholly at a loss to find a suitable description, had not the Commentators with a happy forethought hit upon the phrase of "intelligent imbecility." They certainly, from this practical illus-

tration, appear most competent to speak of that particular order of mind.

It would avail nothing to follow the Commentators through the common-places and platitudes with which their article is extended. The reasoning with which it is worked out has been just illustrated so far as the medical phase of the inquiry extends. When the Commentators approach the legal aspect of the investigation, they prove to demonstration that the absurdity of their former observations was not an accident, but a reality—not a blunder, but a deliberate conclusion. They argue that Townley ought, on the report of the first Commission, to have been executed, inasmuch as “applying the law as laid down by Mr. Baron Martin to the case, the prisoner, George Victor Townley, was justly convicted,” and then proceed to demonstrate that under the dictum of the law “it would be necessary to hang nine-tenths of the lunatics in England, in the event of their committing murder !” Here again a difficulty arises to adequately convey a description of their medico-legal commentary, except, in their own terms, it be pronounced a “scientific incoherency, and a psychological curiosity.”

Having shown that the Commentators’ version of facts is incomplete, and their views and conclusions respecting them therefore of no value ; and having, as we contend, proved that the corroboration they

affirm to have received from Mr. Sims and Dr. Hitchman is worth nothing, we may safely leave the matter of this unhappy prisoner to the issue of time and the calm reflection of competent medical men. We desire in so doing to quote a few of the observations of the Commentators in order to show how deliberately they have ignored their own principles and run counter to the teaching which they quote, but seem to have no capability of applying. The Commentators exclude Townley's case from the division of partial intellectual insanity on the grounds that "he was not the dupe of his own delusion," also that he knew what the Commissioners affirm was the nature of it, and they then assume that Dr. Winslow was deceived as to the real import of the alleged conspiracy. Without seeking to place the assertion of the conspiracy on higher ground than that set forth by the report of the Commissioners—"a disordered and morbid view of an actual occurrence"—it might be asked on what pretext the Commentators argue that, in the absence of delusion, the crime was not the first overt act of a condition of mind of which they admit "delusion to be but a manifestation, without any connexion between it and the crime being evident to a looker-on?" In reference to Townley's assertion that "he regained possession of Miss Goodwin by killing her," the Commentators observe, as a proof of his sanity,

“Miss Goodwin’s affections (herself, as it were) had been stolen from him: by taking from him who had robbed him that which had been stolen, he did *in a certain sense* recover his property, even though it was under the condition of destroying it. Such arrangement may argue moral perversion, but there is no evidence in it of intellectual disorder.” Surely, an argument like this as evidence of a man’s sanity and responsibility for crime has not been before heard out of an asylum! Moral perversion, without evidence of intellectual disorder! It cannot be that the Commentators are serious in thus putting forward such a statement as this, in support of their assertion of Townley’s responsibility. “It admits of no question,” write the Commentators, “that homicidal and like desperate acts are committed by those afflicted with moral insanity, without any delusion being present in the diseased mind.” And yet, because of the absence of delusion, as they assert, on the part of Townley, and on their admission of moral perversion, the inference the Commentators desire to establish is that it is impossible to refer the supposed madness of Townley to the category of moral insanity. Why is this? Is it because Townley’s view of the “conspiracy was a disordered and *morbid view* of an actual occurrence?” or was it by reason of “his extraordinarily perverted moral sense,” or of “the hereditary taint” proved

to have existed in his family, or "the bodily and mental anguish as great as it was possible for any man to suffer," being inadequate to realise the requirements of Dr. Prichard—who is adopted as an authority, and who writes that this form of disease may be inferred "where a strong hereditary tendency to insanity," or the occurrence of "some great moral shock," producing a perceptible change in the habitual state of the constitution, and an alteration in the temper and habits, is shown to have existed? We would have expected a different deduction from these premises, were it not that instances have occurred throughout the article in which the reasons are right and the conclusions are wrong—a fact by no means to be wondered at in the present instance, as the principles are those which have been generally received and set forth by others, while the inferences drawn from their application by the Commentators is exclusively their own. It is therefore not surprising that the Commentators should write that though the sufferer from moral insanity "May excuse or explain or justify his insane acts, and seem in full possession of his intellectual powers, these latter are really affected indirectly through the morbid state of the feelings; all his reasoning is tainted with the morbid self. He may judge very correctly of the relations of external objects and events to one another, but no sooner is self concerned than he

displays in his reasoning the influence of his morbid feelings ; he cannot realize truly his relations ; his whole manner of thinking is a delusion—a lie. And the lie is of the worst kind, for it is not absolutely false, like a delusion mostly is, but it *contains some truth hopelessly perverted*. It is difficult sometimes for a looker-on impressed with the acuteness of their selfish reasoning, and offended by their vices or perverse actions to avoid thinking that these people could help their follies if they liked ; but whosoever has sufficient practical knowledge of insanity knows that they are sufferers from disease, and that their follies or vicious acts are as little within their control as the irregular and purposeless movements of one who is afflicted with a chorea.” Is it consistent with such observations to argue Townley’s sanity, because “his views of right and wrong, false as they are, appear to have been coherently acted on,” or because before the crime, prominent indications of the mental state were not evidenced until such a cause as that authoritatively set forth by Dr. Prichard, “a great moral shock,” developed the “strong hereditary tendency” into a criminal act as “the manifestation of existing mental disease?”

It is needless to further pursue the train of reasoning adopted by the Commentators. Townley is placed beyond their feeble efforts to injure him. As neither professional innuendoes nor personal invective can

elevate this medico-legal commentary to the rank of a scientific argument, or entitle the authors to the respect of their professional brethren, so will neither rash unscrupulous assertion nor shallow and illogical conclusion alter the real condition of the unfortunate man whose state is discussed. It would not be difficult, were there any necessity for doing so, to detail instances in which the Commissioners who thus unhesitatingly pronounce their opinions had previously arrived at conclusions shown to be in error. Men are not infallible. So long as an honest, earnest desire to arrive at truth is the object of the psychological examinations of one alleged to be insane, we protest [in the name of the profession against the imputation of *motives* or the employment of language of a personally offensive character under the semblance of scientific criticism. Proceedings like these are a disgrace to medical literature, and should be denounced by all right-thinking and honourable men.

Facts are the property of all, the capability of rightly reasoning upon them the privilege and power of the few. All may not know where their judgment is at fault, but all should know when proper feeling and fair arguments are abandoned. This we affirm has been the case in the present instance. More than honesty of purpose we have no right to expect: less we will not be satisfied with. The Com-

mentators, we affirm, have manifested a culpable and most reprehensible negligence in their partial and one-sided view of a great public question, and it is therefore with little fear of the result that we leave their criticism to the judgment of the medical profession.

APPENDIX.

Evidence of Townley's insanity before coming to London.

Drs. Lockhart Robertson and Maudsley assert that the evidence of Townley's insanity "entirely" rested on the *ipse dixit* of Dr. Winslow. Let us test the *truth* of this assertion. The following witnesses examined at Derby affirmed Townley to be insane prior to his removal to Bethlehem Hospital.

MR. GISBORNE, Surgeon of the Gaol.

MR. SIMS, Governor of the Gaol.

REV. H. MOORE, Chaplain of the Gaol.

HENRY GOODE, M.B., M.R.C.S.

THOMAS HARWOOD, Licentiate of the Apothecaries' Company, and Medical Officer Western Derby Union.

W. T. COX, Esq.,	} Justices of the Peace for the County and Borough of Derby.
T. B. FORMAN, Esq.,	
THOS. ROE, Esq.,	
W. H. SCOTT, Esq.,	

JOSEPH COURTNEY,	} Warders of Derby County Gaol.
WILLIAM HINDE,	
CALEB MOUNTENAY,	
SAMUEL BANKS,	

W. C. CAMPBELL, Esq.,	} Commissioners in Lunacy.
JAMES WILKS, Esq.,	
JOHN FORSTER, Esq.,	
Rev. C. R. GORDON, F.S.A., F.R.G.S.	

Independently of the witnesses who were examined at the trial, inclusive of Dr. Forbes Winslow's evidence, sixteen

persons deposed without reserve or qualification to Townley's insanity prior to his removal from Derby Gaol to Bethlehem Hospital. So much for the truth of the assertion made by Drs. Lockhart Robertson and Maudsley, that the theory of Townley's insanity, be it right or wrong, "entirely" rested on the evidence of Dr. Forbes Winslow !

*Examination of GEORGE TOWNLEY, December 26th, 1863,
Derby Gaol, before the Commissioners in Lunacy.*

TOWNLEY.—“What have I been guilty of? I am guilty of nothing. I don't admit I am guilty of anything. I don't believe that I have done any harm. Bessie Goodwin was my property, and I had right to do what I did because she was false to me. I was not myself when I did it. I might have been mad at that moment. I am quite sane now.

“I have done her no harm. She is better where she is than if she had lived. I believe there is a future state. I am waiting to go to her. I shall be too happy to join her.

“They set her against me. She was my property. I saw her, and took away what belonged to me; what else could I do? I think that she in the same circumstances would have had an equal right to do the same.

“I consider that a man has a right to kill his wife if she is an adulteress; I think Bessie Goodwin was guilty of adultery in engaging herself to another. She was as much my property as if we had been married. I look upon marriage as a mere ceremony.

“I never thought deeply on religion. I did not give religion any thought. I am not troubled at the thought of being punished. Why should I be punished? There is no reason for it.

“The results of the trial are nothing to me. I know what was pleaded for me. I could not have pleaded guilty, because I was not guilty of anything.

"If they take my life it is because they have the power to do it. I took hers because it belonged to me. Their right is that of might; mine is the right of a possessor to recover possession of his property.

"Other men think and act differently because their temperaments and circumstances are different. A man who has a particular temper, and finds himself in circumstances that compel him to act as I did, is not accountable. You have expressed exactly what I mean. Other people might not act as I did. The fact that I acted as I have done is a proof that a man is not accountable in those circumstances.

"I am not sorry for the parents of Bessie Goodwin, or for any of those who brought me to this. I only prevented them from taking what was mine; I only took what belonged to me. She is now waiting for me. I shall join her in a short time.

"I only did what I had a right to do, and as the circumstances impelled me to do. Under the circumstances I could not help acting as I did.

"The persons who combined to take her from me were no friends of mine; they were always my enemies. They had a personal enmity to me. They were very glad to do me that injury of taking her away from me. I do not think they would combine to take my life. I do not think they would have conspired to kill me. But they did combine to injure me in the most tender part by taking her away.

"I have done nothing but what is right and proper. I cannot alter these opinions. You will see that I shall die with them. I do not consider what the result may be if everybody acted upon them. Circumstances have formed those notions in me, and I cannot change them. The result might be that each man would destroy the other, and perhaps it might be better that the world should be put an end to, and the whole human race swept off.

"I have no positive hope that my life will be spared. I

have always looked at the worst side. I have never looked forward to anything else. I am not feigning at all in this. I only pray to God that I might die at this minute, as I sit here, and then it would all be finished.

“Before I committed the murder I tried to get her to say the name of the man who had replaced me, but she would not. I never mentioned B. to her then, because I did not, from what she had written to me, once think of him. I kept down my feeling at that time as long as I could. But it overpowered me. I was worked up to a pitch of madness. I certainly used no threats before I stabbed her. But I don’t remember anything at the very last.”

Evidence of the Warders of Derby Gaol.

JOSEPH COURTNEY, Warder.—“I have been a warder nine years. I have had charge of the prisoner Townley ever since he came into the prison. Before and since the trial I have been with him by day and by night. I have observed no difference in him. He has never given any trouble. I have thought at times he might injure himself if he had an opportunity. He never alluded to suicide. He was curious in his way of going about the yard in taking exercise. He was different from other people. In going round the yard he would stop and mutter to himself. Sometimes he would fix his eyes curiously on me—not as if he wished to do me an injury. His conversation was queer. He would speak sometimes about Miss Goodwin. He would talk of her as his property, and did not seem to think he had done her any harm. He reads and sometimes writes, but I do not think he pays attention to what he reads. He is sometimes low. He is a very heavy sleeper. I have been with him eleven nights and during the daytime since Tuesday last. I saw him the night of the trial. He was not at all disturbed. He said he had done right in disposing of his property. I could see

no difference in him before and after the trial. He is not affected by the visits of his friends. He is never violent. I have often attended prisoners under sentence of death, and I think that Townley's conduct is different from that of any prisoner I have seen."

WILLIAM HIND, Warder.—"I have been here as a warder nineteen years. I have been in attendance on the prisoner ever since he has been here, either day or night. He has given no trouble. I see no difference whatever in him since the trial. He has been just the same, except on two occasions when he was more excited than I had before seen him. On the first occasion he received a letter, and in the first page there was something about his cruel sin. He scoffed and laughed, and then got quieter; that letter was anonymous. The second time he had another letter which was a very religious one—that he was entirely disgusted with; he was very much excited and said he would ask the Governor not to allow such letters to be sent to him. He jumped up, his eyes glared, and he turned blushing crimson red. He was in a great passion. That was six or seven days after the trial. I thought it would not have been safe to be with him alone unless assistance was at hand. He would seem excited when he talked of Miss Goodwin, and expressed surprise that he had been interfered with. He seemed to think he might do as he liked with her. I have constantly attended prisoners under sentence of death, but I never saw them conduct themselves as he has. He is in the habit of kneeling down before retiring to rest for fifteen or twenty minutes."

CALEB MOUNTENAY, Warder in the prison for seven years.—"I have been in attendance on the prisoner Townley both at night and during the day since his trial. I saw him before his trial. He has always been quiet, and given no trouble. I have never seen him excited. I saw him directly after the trial. He did not talk much to me. He never

mentioned Miss Goodwin. He sleeps much during the day. More than at night. I have been with him nine days and five or six nights. Is not restless. He kneels down at night in a curious way on a chair for fifteen or twenty minutes, leaning in curious way against the bed. He bursts out smiling like an idiot. Sometimes he will not speak. He is different from other prisoners I have had charge of. I compare him to an insane gentleman I had charge of for eight years, but he is not so like an idiot. He sometimes stands stooping, dull, and silent; then starts up and laughs. I have seen no excitement at all."

SAMUEL BANKS, a Warder thirteen and a half years.—"I have only had charge of Townley since his trial. I have seen him day and night; by night up to Tuesday last. On the night of his trial he seemed full of thought. Seldom said anything to me. He has not spoken of Miss Goodwin. He stands in one attitude for a time, and then stares about. I never thought he would commit suicide. In the yard he sometimes stops and stares about him, but does not mutter. He seems different from other condemned prisoners I have seen. He rests better, and sleeps better, and seems not to think so much. He does not seem to feel his position, or to fear death. He seems to make light of it."

Evidence of Mr. GISBORNE, Surgeon of the Gaol; being an answer to a question put to Mr. Gisborne by the Commissioners in Lunacy.

"I still think him of insane mind, and for the same reasons I gave at the trial."

Evidence of the Rev. H. MOORE, the Chaplain of the Gaol.

"I have been chaplain nine years. The only change I have seen in the prisoner is that he has been more disposed to trust in me lately, and to please me if he could. He has

been looking better, and in better spirits the last week, than at any time since he came in. He did not say anything to me the night of his sentence. When he first came in I thought him not altogether safe; he had not the look of a sane man. I never have examined him about the murder. I never have asked him any questions about it; but the way he put it to me was that he had made Miss Goodwin more happy than before. I asked him, 'How do you think so?' He said, 'I have delivered her from the enemy.' 'What enemy?' 'They were all against me; they were all plotting against me.' 'Who?' 'I don't know; but they were all plotting against me.' He never told me that he had a right to kill her; he never put it in that way. He said he would soon be with Bessie. He had no fear of death. Before this I thought him insane; I thought so from his looks. I said, 'That man is different from another man.' He had a timid slouching way, an odd way. His manner often changes. He talks slowly and drawls in his dark moods; at other times he talks as rapidly as I should. I see a great difference in his looks at various times. He is careless of his dress sometimes, at other times as neat as possible. I have not given him the same attention I have given other prisoners in similar circumstances, because I find that I cannot make any impression upon him in the way of religious instruction. Townley was sentenced on Saturday, the 12th December. Mr. Gordon came to the gaol on Sunday, the 13th instant, but was not allowed to see the prisoner, as he had not an order from a visiting justice, and the governor did not know who he was. On Monday, the 14th, he had an interview with him in his cell in my presence. When he came out of the cell he said to me, 'I have no doubt at all that the man is insane, and I should be afraid to be alone with him.' We then walked together down to the office, and as several persons were then in the office no conversation took place with the governor; but a

few days after, when Mr. Gordon called at the gaol, he stated to the governor in my presence that he believed Townley to be insane, and that if I had not been present he would have called in the two turnkeys.

"Although Mr. Gordon had but one interview with the prisoner after trial, yet he was at the gaol four or five times. Every statement in Mr. Gordon's letter to the public papers is correct, with the exception of his conveying the impression that the prisoner had sent for him. That was not so; he did not send for him, did not know him, and did not care to see him.

"If having a wild and dangerous look be taken to indicate excitement, then Townley was excited at the interview with Mr. Gordon; but he did not move from his chair, nor did he move his arms more than usual. I had seen him with a similar look several times before trial, and therefore was not afraid of him; but Mr. Gordon not having seen him in that particular state before, would naturally be afraid of him."

*Report of the THREE COMMISSIONERS in Lunacy as to
Townley's state of intellect.*

"We cannot consider him to be of sound mind."

THE END.

