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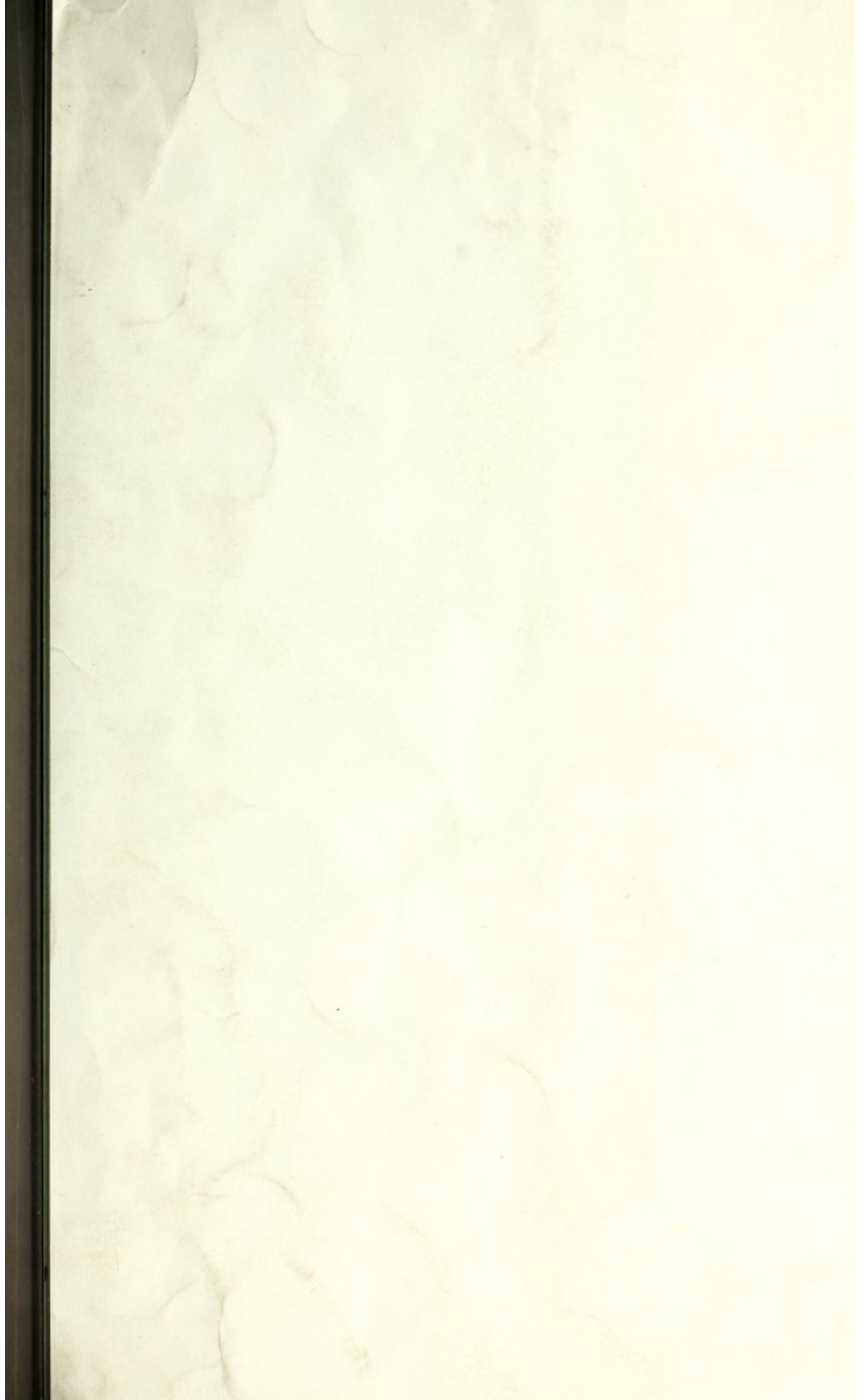
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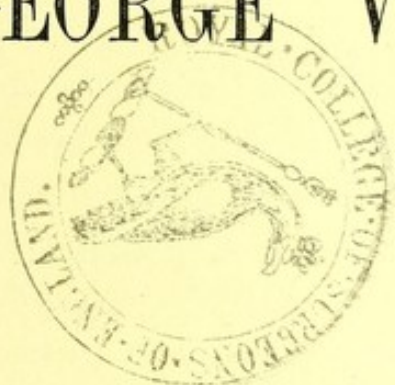
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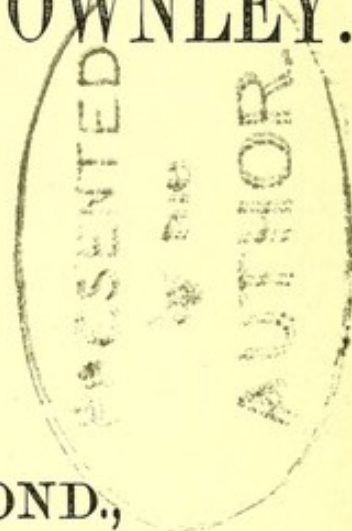
# THE INSANITY

OF

GEORGE VICTOR TOWNLEY.



BY



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## HISTORY OF THE CASE.

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GEORGE VICTOR TOWNLEY, whose case has created such painful excitement in the public mind, was, at the Winter Assizes, held at Derby, in December, 1863, arraigned before Mr. Baron Martin, on the charge of having, on the 21st of the preceding August, at Wirksworth, in the county of Derby, "killed and murdered Elizabeth Caroline Goodwin."

Both of them belonged to highly respectable families, and were of equal positions in life. Townley had been for several years the accepted suitor of Miss Goodwin; but a short time before her death she wrote to him for the purpose of breaking off her engagement with him. This decision on her part preyed sorely upon his mind, and ultimately took him to Wigwell Grange, the residence of Captain Goodwin, her grandfather, with whom Miss Goodwin was then residing. At the close of a lengthened interview which he had with her there, he with an ordinary penknife stabbed her in three places in the neck, from the effect of which she shortly afterwards died.

After the infliction of the wounds, Townley did not attempt to escape. He, on the contrary, manifested anxiety to save her life; he tried to stanch the blood which flowed from her wounds; he, together with a Reuben Conway, who had accidentally appeared on the scene, assisted Miss Goodwin, bleeding and faint, in her attempt to reach her grandfather's home; and when at length she

died on her way thither, they bore the lifeless body to his house. There the conduct of Townley was as strange, in the calmness of his demeanour, in his interview with Captain Goodwin, in his placid and silent survey of the lifeless body of his victim, and in his resigning himself to the hands of the policeman, as it was during the interval which elapsed between the time of the infliction of the wounds and Miss Goodwin's death.

The defence set up at his trial was,—that he destroyed Miss Goodwin whilst he was labouring under insanity. Evidence was brought to prove the existence of insanity in his mother's family, eleven members of which had been afflicted by that disease. Dr. Forbes Winslow deposed that he had twice examined the prisoner during his confinement, once on the 18th of the preceding November, and again on the night before his trial. On both occasions he found him morally insane. Similar evidence was given by Mr. Gisborne, surgeon to the jail in which Townley had been confined. Other witnesses were called to speak to his mental anguish, his sleepless nights, his recourse to spirits and to morphia, and his excited conduct for some days previously to his leaving home for Wigwell Grange. He was, however, notwithstanding this testimony, found guilty of the murder and sentenced to death. The verdict was by no means satisfactory to many persons. Immediate and strenuous efforts were made to induce Sir George Grey, the Home Secretary, to appoint a special commission to inquire into the mental condition of the condemned man. Baron Martin had already expressed to Sir G. Grey his opinion that the case required further investigation. Yielding to the representations which were made to him, the Home Secretary appointed Messrs. Campbell, Forster, and Wilkes, Commissioners in Lunacy, to examine Townley, and to report upon his mental condition. They accordingly visited Derby jail, examined Townley at great length on two separate occasions, interrogated his father and mother, likewise the officials of the jail, and reported in favour of his insanity. About this time a private com-

mission, consisting of Dr. Goode, Mr. Harwood, surgeon, and three Justices of the Peace for the borough of Derby, examined Townley, found him insane, and certified their conviction to Sir George Grey. Townley was in consequence respited, and subsequently removed to Bethlem Hospital. This step on the part of Government was severely criticised by the press, but especially by the magistrates of the southern division of the county of Derby, between whom and the Home Secretary a tedious and obstinate correspondence ensued. The issue of this correspondence may be said to have resulted in the appointment by Government of a second commission, composed of Drs. Bucknill, Hood, Helps, and Myers, to further investigate the mental condition of Townley. Their decision was—that George Victor Townley was of *sound* mind. The sentence of death was now commuted to penal servitude for life, and Townley was removed to Pentonville prison. On the 12th of February of the present year, he completed the last act of his eventful life by casting himself over the staircase rails into the lobby of the prison, a distance of twenty-three feet. By the fall, his skull was fractured and the brain lacerated. These injuries led to his death in three hours afterwards.

The verdict of the coroner's jury was—that he destroyed himself whilst in an unsound state of mind. In this opinion, the coroner (Dr. Lankester), the surgeon who attended Townley in his last moments, and the chaplain of the prison, coincided.

Of the insanity of this misunderstood man, the writer has never entertained the slightest doubt. He has paid particular attention to the case throughout, he has reviewed again and again the history of the murder in all its relations, and he is, in consequence, the more confirmed in the views which he unhesitatingly expressed in the *London Times* immediately after the trial. These views are set forth in the following letters, which were written in the interval between the condemnation of Townley and his removal to Pentonville prison. They are now, in a collated form, given to the world

in vindication of afflicted humanity, and as an expression of the writer's dissent from the present defective state of our criminal law, which recognises *delusion* as the only proof of insanity!

In commenting on the opinions of others, the writer trusts that he has confined himself within the limits of fair and impartial criticism, his only object in this painful case being the discovery of truth and the elimination of error.

*Chesterfield, February, 1865.*



## LETTERS ON THE INSANITY OF G. V. TOWNLEY.

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The following appeared in the London *Times* of December 25th, 1863 :—

There are so many circumstances of a doubtful nature which surround the case of the unhappy Townley, who now lies under sentence of death in Derby jail, that it behoves the Government to institute a further investigation before it allows the extreme penalty of the law to be inflicted upon him. To persons unacquainted with insanity in its different forms, and who judge from their own point of view of the act of the unhappy man who killed Miss Goodwin, the verdict at which the jury arrived will appear to be the only just and proper one to which the evidence could lead. But to medical men, whose duty it is to study insanity, and who know the various forms under which that disease manifests itself, as also the many difficulties of diagnosis which occasionally surround some of these forms, the verdict of the jury will be by no means so satisfactory. According to the light which the jurors had upon the subject, their verdict was true and honest ; but it appears to me that the light was insufficient to guide them to a proper state of Townley's mind at the time he inflicted the wounds which led to Miss Goodwin's death. For the just and proper appreciation of his state of mind at the moment in question, not only were the facts of the case, as detailed by the witnesses, necessary, but it was required of the counsel for the prosecution that he should not mislead the jury upon the question of the influence of the hereditary taint of insanity, and of the judge that he should not, by

employing a too exclusive definition of insanity in his charge to the jury, ignore one form of that disease which frequently and irresistibly leads to the destruction of life. That the counsel for the prosecution did not understand the influence of the hereditary taint of insanity with which Townley is afflicted, and that he therefore misled the jury upon this most important question, is evident from the following remarks in his reply to the evidence of the witnesses for the defence :—

“The first two witnesses called were to show that the family of the prisoner were subject to hereditary insanity, and that the prisoner himself was a victim to that affliction. But they only proved that certain persons, not lineal ancestors, but collateral relatives, had been under the influence of insanity more or less. It was not his father or mother, or his grandfather or grandmother, but a sister of his grandmother and a second cousin. That proved nothing, because that insanity, so far from being hereditary, was not in the family at all. To produce hereditary insanity it must be clear that the lineal ancestors were afflicted.”

Now, the doctrine laid down in the above quotation from the counsel's speech for the prosecution is utterly inconsistent with known facts, and with the universally received opinion of the medical profession. If Townley's grandmother's sister was affected with hereditary insanity, his grandmother, too, inherited the same taint, although she might never have manifested any symptoms whatever of insanity. If, then, the grandmother inherited this hereditary predisposition, Townley himself would, through his own mother, be certain to inherit the same predisposition, although in a less degree, in consequence of the influence of that parent who was not thus predisposed to insanity. Once in the constitution, the hereditary predisposition to insanity, like the hereditary predisposition to tubercle, to cancer, and to other diseases, is invariably and in every instance transmitted to the offspring. The hereditary predisposition may, and does in thousands of instances, lie dormant in the system for the want of sufficiently exciting causes to call it into manifest existence. In Townley's grandmother the hereditary

taint existed, but, owing to the absence of exciting causes sufficiently strong to call it forth, it never manifested itself in confirmed insanity. It was, then, a misdirection of the jury on the part of the counsel for the prosecution to ignore the presence of hereditary taint in the prisoner. That taint is strongly inherited from his maternal side, as is proved, beyond question or doubt, by the fact that eleven cases of insanity have occurred in his mother's family.

As to the definition of insanity, the learned Judge, in charging the jury, said :—

“ That which the law called an insane mind was a mind which was under delusions—that was, a person whose mind was diseased, and who supposed a state of things to exist which did not exist, and whose diseased mind was in such a condition that he acted upon an imaginary existence of things as if those things were real.”

Now, this legal definition is not the definition which medical psychologists deduce from the forms of insanity which come under their notice. There is a form of insanity which this legal definition does not touch, but which is, nevertheless, of frequent occurrence, and which irresistibly impels its victim to the commission of acts apparently of outrage and murder. This species of insanity is termed by the French medical psychologists “ *manie sans délire*,” and by the English, “ instinctive madness or insane impulse.” According to Esquirol, “ It is in some respects a different affection from that which has been designated moral insanity.” By Pritchard it is regarded as—

“ A variety of moral insanity, but very distinct from the disorder of the feelings and moral affections, as pervading the whole mind and perverting the moral character of the individual. In this instinctive madness the understanding is unclouded, as it is in moral insanity. There is no hallucination or delusion. The will is occasionally under the influence of a disordered impulse, which suddenly drives the person affected to acts of the most revolting kind and to the commission of what he has no motive for doing. This impulse is instinctive ; it is irresistible. Individuals who have felt the approach of this disorder have been known to take precautions against themselves ; they have warned their wives and children to escape from within their reach till the paroxysm shall

have subsided. Among the varieties of insane impulse there is none that better characterises the nature of this deplorable affection than this homicidal impulse."

Well indeed may Esquirol ask—

"What, then, is this terrible disease which, mocking the sweetest feelings of existence, drives a man to the violation of the most sacred laws of nature, and impels him to kill his fellow-creature—to destroy the persons dearest to him? The miserable victim of disease does not attempt to reason before he commits the murder, and at the time he is not actuated by any passion or by any motive, but is instantly driven to the commission of the crime. A husband kills a wife whom he tenderly loves, the father a son that is the most dear to him, and a mother her nursing babe. This phenomenon could not take place without admitting the total suspension of all intelligence, of all moral sensibility, of all will."

It is evident, then, that the legal definition of insanity, and that which is based upon the actual disease itself, are at variance. The former does not recognise insanity without delusion; the latter admits a form of insanity in which there is no delusion, in which the understanding is unclouded, but in which, nevertheless, the will is under the influence of a disordered, uncontrollable, irresistible impulse, which impels the individual affected to the destruction of human life. The occurrence of this form of insanity is as sudden as its power over the will is irresistible. Its duration is equally short, and seldom extends beyond the period of the commission of the act to which it impels. The persons subject to this form of insanity are generally those in whom the hereditary predisposition to this disease exists; and it is frequently followed by insanity of a more easily recognised type and of a more permanent character. Is it not strange, then, that this form of insanity, which is so well known both to Continental and to English psychologists, is as yet unrecognised by our laws? That such is the case is evident from the above quotation from the learned Baron's charge to the jury. Ought, then, human life to rest upon so limited, and, as has been shown, so incorrect, a view of insanity? Medical psychologists will declare that it ought not—that the law

cannot be just to insanity until it recognises that form of it which is not characterised by delusion, but by the peculiarities above named.

If now we apply these facts to the case of Townley, it will be easy to show that the great probability is that, at the time he inflicted the fatal wound, he was suffering from insane impulse. This probability is at least supported by evidence quite as strong as that which was adduced for the sanity of the man. By nature he was predisposed to insanity, which only required an exciting cause to render that which was already dormant in his mind palpable in the commission of some overt act. A man of his mental constitution would feel more deeply than an ordinary mind, and his impressions would, from their intensity, be calculated to overpower an intellect endowed with such peculiar susceptibilities.

Hence we see his intense love for Miss Goodwin, and his excessive grief on the night of the 15th of August, after receiving a letter putting an end to their engagement. The continued distress of mind which he suffered from this date until the 21st of August—the sleepless nights which he passed in this interval of time, the loss of food, the taking of morphia and of spirits, which would induce a condition of brain favourable to the accession of insanity, the interview with Miss Goodwin, and the learning from her own lips that another had supplanted him in her affections—were exciting causes, which at length, suddenly and at once, developed the insane impulse which impelled him to the fatal attack. At that moment his intelligence, his will, and his moral sensibility were in as complete abeyance as ever were those of the most confirmed maniac. That he went to Wigwell without the intention of murdering Miss Goodwin is admitted by the counsel for the prosecution in the following remarks :—

“ He (Mr. Boden) never suggested that the prisoner went to Wigwell with the intention of committing the murder. He was, on the contrary, bound to say that there was no evidence of any such intention, and he had no doubt the

idea never occurred to the prisoner until after he found his hopes were disappointed."

Here, then, is an admission on the part of the prosecution that there was no premeditation to commit murder; and this view receives a large share of confirmation from the fact that Townley took with him to Wigwell the letters which he had at various times received from Miss Goodwin, with, no doubt, the intention to return them to her, should she insist upon the termination of the engagement which had hitherto existed between them. Had he meditated murder, there would have been no necessity to carry with him those letters to the person whom he was intending to kill. It is evident that when he left home to visit Miss Goodwin he had no such intention—that the impulse to destroy her arose, suddenly and at once, during his interview with her, and that it was instantly obeyed. It is fair to presume that at that interview he learnt for the first time that she loved another; that the alleged interference of her grandfather was merely an excuse to hide her motives; and that she was about to be lost to him for ever. A mind constituted like his, and already morbidly excited by the anxiety, by the loss of rest and of food, and also by the congestion of the brain produced by the taking of morphia and of spirits during the last six days, could not withstand the shock of this sudden realization of his worst fears. He instantly gave way under the crushing intelligence he had just received, and in this condition, without reason, without the consciousness of right and wrong, he was irresistibly impelled to what, if committed in a sane state of mind, would have been a most foul and deliberate murder. The temporary insanity which thus took possession of his mind spent itself in the commission of the act which led to Miss Goodwin's death. Before the breath had left her body, his consciousness returned, and, recognising the danger of his act, he instantly employed himself in staunching the blood which flowed from the wounds he had made, and in thus endeavouring to the utmost of

his power to save the life of her whom he so dearly loved. This was not the act of a deliberate murderer. It was that of a man suddenly bereft of reason, and who was, for the time being, entirely under the influence of an insane impulse. Ought such a man to be sent to the scaffold?

The law, in its present defective state, with delusion as its only test for insanity, may say, "Yes;" but medical psychologists will not indorse the assertion. The form of insanity which impelled Townley to kill Miss Goodwin has already been followed by a more palpable and a more permanent form of that disease. This result is but the confirmation of what I have previously stated, that "insane impulse" is frequently followed by insanity of a more recognisable and lasting character. It was affirmed in evidence by Dr. Forbes Winslow, that on the 18th of November, and again on the night before the trial, he examined Townley, and that on both occasions he found him affected by undoubted moral insanity. What, then, is the duty of the Government under these circumstances? To consign the criminal to the hands of the executioner without a further investigation of his case? Certainly not. Such a step would, no doubt, be legal justice; but in the estimation of medical psychologists it would be little short of legal murder. Let full and ample justice be done to all parties concerned in this peculiar tragedy. This can only be rendered by the appointment by Government of a medical commission to inquire into the facts of the case, to examine Townley, and to report upon the probable state of his mind at the moment of his attack upon his victim, and upon his mental condition at the present time. Anything short of this will be satisfactory only to one part of the public.

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The following letter was addressed to the London *Times* immediately after the publication of the Report of the first commission appointed by Government to inquire into the mental condition of Townley while he yet lay under sentence of death in Derby jail; but its admission into the columns of that journal was refused:—

*To the Editor of the Times.*

A few weeks ago you allowed me in your columns the opportunity of directing public attention to two important points, which seriously affected the prisoner Townley on his trial, and which had, in my opinion, an unjust influence upon the verdict which was given. These points were—that the counsel for the prosecution misled the jury upon the question of the prisoner's hereditary predisposition to insanity—and that the Judge, by employing a too exclusive although the legal definition of insanity, entirely ignored a form of that disease which frequently and irresistibly impels its victim to the commission of crime.

Had these two all-important points been properly put before the jury—had the laws of nature instead of the laws of man been observed in this momentous question of life or death—Townley would never have been convicted of the crime of murder. But the bold assertion of the counsel for the prosecution, made, as I trust and believe, in ignorance of the laws of the transmission of hereditary predisposition to disease, and the defective state of our law, which admits *delusion* as the only evidence of insanity, placed the issue upon false and unjust grounds, and left the jury no alternative but to return a verdict of guilty against the prisoner.

Through your columns I appealed against the injustice of this verdict; I alluded to proofs, which have since been admitted, of the hereditary predisposition of Townley to insanity; I pointed out the fact that insanity in law and insanity in nature do not har-



monize ; and I adduced reasons which justified the belief that, at the time of the alleged murder of Miss Goodwin, Townley suffered from that particular form of insanity which the laws ought to recognise, but which it as yet entirely ignores. On these grounds, and on the oath of Dr. Winslow, that on the 18th of November, and at the time of his trial, the prisoner suffered from moral insanity, I declared that the execution of Townley without a further investigation of his case, would be regarded by medical psychologists as a judicial murder. To avert a great reflection upon the justice of our laws—to discover sane guilt, if it existed in the prisoner—and to give to insanity, if present, the protection which humanity and the common instincts of our nature demanded, I suggested that a judicial commission should be appointed by Government to examine Townley, and to report upon his mental condition. It has since transpired that the learned Judge who presided at the trial had already declared to Sir G. Grey, that, in his opinion, the state of the prisoner's mind ought to receive further investigation. This declaration of the learned Judge, showing as it evidently did show, if not the conviction in his mind of the insanity of the prisoner, a doubt at least of his sanity, was followed by the appointment of the commission in question. In thus yielding to the representations made to him, Sir George Grey not only showed a wise appreciation of the duties of his office, but he manifested a high sense of justice and a regard for human life which strikingly contrast to his advantage with the feeling of bitter revenge and the apparently insatiable desire for the blood of Townley, as displayed in the southern division of the county of Derby.

If ever a doubt existed in the public mind that, by the appointment of this commission, the case was prejudged, the following statement from *The Lancet* of the 23rd of January, 1864, will show that the composition of this Commission removes all suspicion of this nature :—

“At the instance of the judge who tried him (Townley), the Secretary of State sent down three as competent and reliable persons as could have been selected by those most eager to hang this lunatic: two able, hard-headed lawyers, well acquainted with all the dodges and impositions that could be practised by a man shamming lunacy, and by no means disposed to admit lunacy as an excuse; and one experienced medical commissioner. Their report amply confirmed Dr. Winslow's statement. . . . This man, declared to be of unsound mind by Dr. Winslow, was also declared to be of unsound mind by the commissioners. This decision they came to after examining the prisoner for hours, the chaplain, the governor, the medical officer, and other persons.”

Looking at the composition of this commission, it would appear as though the Home Secretary, having regard to the prejudices which prevailed against “mad doctors,” was determined that upon this point at least the investigation which was about to take place, should not miscarry.

Two lawyers against one doctor were, in the estimation of all reasonable men, amply sufficient to compel the latter to a just, upright, and consistent discharge of his duty. If the doctor had by any possibility bartered for gold his honour, his integrity, and his conscience, as his medical brethren who were previously engaged in the case were supposed by some persons to have done, the lawyers would nevertheless be able to restrict him to his path of duty, and to keep him in righteous compact and good faith. Yet, with all this extreme care, apparently to satisfy the unfounded prejudices of that part of the public who spoke and wrote against the professional honour of medical men, what was the result to which the commission of two lawyers and one doctor came? It is stated as a part of its report that—

“In view of the extravagant opinions thus deliberately professed by him (Townley), 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.”

If, then, the prisoner was, at the time of this examination, not of sound mind, he must have been of unsound mind, and, therefore, insane. How long had this insanity existed? Was its occurrence

anterior or posterior to the murder? What say the commissioners upon this question? Their opinion is—

“That the prisoner continues to be now in the same mental state as when he committed the murder and underwent his trial.”

The logical deduction, therefore is, that he was insane at the time of the murder, at the time of his trial, and when examined by the commissioners. Thus, then, the conviction expressed by me of his insanity at the time of the murder, and the fact of his insanity both before his trial and at the time of it, as deposed to by Dr. Winslow, are fully confirmed by the report of the commissioners. Where, then, is the reasonable ground for the reproach which has been hurled at the doctors who have taken part in this case? Does not the result prove that they have discharged their part honestly, conscientiously, and in perfectly good faith to all the interests involved? They declared as a reason why Townley ought not to be executed, that he was insane; and the Government Commission of two lawyers and one doctor has confirmed that opinion. Between the members of that commission and the medical men who had declared Townley insane there had been no previous interview, and, therefore, no possibility of collusion. Arriving as they did, by separate examinations of the prisoner, at the same conclusion, there must be truth in their declaration—that *Townley was insane*. The question then comes, upon what point was he insane? None will deny that the subject of his insanity lay in his engagement with Miss Goodwin. Is it not a characteristic of insanity to pursue one leading idea, to be seized by sudden and irresistible impulses, and to commit under such impulses, acts which are opposed to the laws of both God and man? Knowledge and experience in insanity will yield a ready affirmation to this question; ignorance alone will withhold its assent. But the law says that without *delusion* there is no insanity. I have previously shown that in this respect the law is defective—that legal definition does not harmonize with all the forms of insanity entailed upon afflicted

humanity. It is the duty of man to take nature as his guide, and to embody in his definitions whatever has a real and palpable existence. Nature cannot bend to human laws. Human laws must, in their application to disease, bend to nature. The law, then, must, if it is to be just to insanity, be rendered more comprehensive in relation to that disease. But applying it, as it now stands, to the case of Townley, let us see whether or not its *sine qua non*, delusion, forms an element in his present aberration of mind. At the trial of the prisoner Dr. Winslow deposed :—

“During my second interview, he (Townley) said that he had been for some weeks previous to the 21st of August 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 that if he was at liberty the conspirators would then continue their operations against him, and in order to escape from them he would be obliged to leave this country altogether. During this interview he became very much excited. He had a wild maniacal aspect.”

Here, in the language of Dr. Winslow, is the very delusion which the law acknowledges as the proof of insanity. The counsel for the prosecution, commenting on this statement, admitted that “There could be no doubt that was in the character of a delusion.” It is, however, but fair to say, that this legal proof of insanity, adduced for the defence and admitted by the prosecution, is thus commented on by the Government commission :—

“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. All the questions we put upon this part of the case failed to draw from him anything that could bear other construction than that he had taken a disordered and morbid view of an actual occurrence.”

It is necessary for the full understanding of the meaning of the latter sentence of the above quotation, that the words “disordered” and “morbid” should be analysed. A “disordered view,” is a deranged, confused, and unhealthy act of the mind in

its appreciation of any particular object. A "morbid view" is a diseased and unsound act of the mind in estimating its particular objects of impression. These views are opposed to those which flow from a healthy action of the reasoning faculties. They, therefore, argue derangement of those faculties, and consequently insanity in the person by whom such views are held. Hence, according to the meaning of the report of the Government commission, Townley was at the time of the murder, at his trial, and at the period of his examination, insane, but without delusion. In the view of Dr. Winslow he was, on the 18th of November, *insane*; and on the night before his trial, *insane with delusion*.

The Government commission and Dr. Winslow agree upon the question of his insanity; but they disagree in the particular as to whether or not delusion was present. If, however, the evidence of Dr. Winslow be carefully analysed, the existence of delusion in the prisoner's mind cannot be denied. How long that delusion had existed, it is impossible to say. It might exist at the time of the murder, and again, it might not arise until after that occurrence. The non-detection of delusion by Dr. Winslow on the 18th of November, was no proof that it did not at that time exist. Insanity, it is well known, has frequently the power to conceal for a time, at least, its hallucinations. Who, then, can declare at what particular moment delusion took possession of Townley's mind—at what minute he ceased to be legally responsible for his acts? But apart from the question of delusion, there is, in the report of the Government commissioners, sufficient evidence in their plain and palpable statement that they considered him of unsound mind, and in their use of the words, "disordered and morbid view," to show that his reasoning faculties were deranged at the time of his examination, and also, for the reasons stated by them, at the time of the murder. If in Townley the reasoning faculties, which are the very powers of the mind by which man judges of the consequences of his acts, were deranged at the mo-

ment of his attack upon Miss Goodwin, is it not more logical to infer that he did not comprehend the nature and the penalty of the crime which he was committing than that he was conscious of the punishment which it would entail? Who can say with certainty to what extent his reasoning faculties were deranged at this tragic moment? Who can correctly estimate the degree of the deflection of his mind from its healthy standard at this particular juncture? Let him who will undertake to prove this task pronounce Townley's doom! I will neither envy him the reward of his own conscience nor the opinion of mankind when the troubled feelings which now agitate the public mind shall have given place to calm reflection and deliberate judgment.

In considering Townley's insanity it must not be forgotten that it is no new feature of his mental character. His history affords conclusive evidence that in 1862, when the engagement between him and Miss Goodwin was for the first time broken off, insanity was the result of that separation. Public attention was not then directed to his mental aberration. Had it been so, it would at once have ascribed insanity to the man who could plunge into a bath with his clothes on; who, although he was not in the habit of wearing a white hat, nevertheless bought seven white hats and three umbrellas at one time; who, after cutting a hole in the front of one of such hats, put the hat upon his head, and thus exhibited himself, regardless of remonstrance, in one of the busy streets of London; and who could seriously argue with an artist that the latter was hanging his pictures upside-down.\* It must be remembered that at this period no murder had been committed by Townley; there existed no reason why he should feign insanity; the public feeling had not by any act of his been outraged; he stood unprejudiced before the world,—and yet he was insane.

\* These facts were sworn to by Mr. P. Dolan, artist, of Rathbone Place, Oxford Street, London, with whom Townley lived at the time his first engagement with Miss Goodwin was broken off. They were unknown to the friends of Townley on the day of trial; but being communicated to them after his conviction, they were immediately laid by deposition before the Home Secretary.

If those who have hitherto dissented from my views will ponder on these facts, they may find just cause to modify their opinion and to believe in the insanity of one who, in their eyes, appears as a deliberate murderer. It is, however, to be feared that such is the feeling upon this question in the southern division of the county of Derby, so opposed to each other are rival parties, so apparently jealous is the county authority of the interference of a borough magistrate in this matter, and so completely does judgment appear to be blinded by prejudice, that nothing is to be expected from argument here. But however zealously the death of Townley may be sought, however great might be the satisfaction which his execution would afford his merciless pursuers, though ministers of religion forego the sacred functions which they have assumed, to invite Sir George Grey to consign him to the scaffold, justice will yet pronounce for insanity—for the salvation of the poor maniac's life.

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The following analysis of the Report of the second commission appointed by Government to test the mental condition of Townley, directly after his removal to Bethlem Hospital, was forwarded to *The Lancet* immediately after the publication of the report; but the editor of that journal, deeming the fate of Townley irrevocably fixed, owing to the opinion expressed by the second commission, thought it unadvisable to re-open a subject which he regarded as having been finally closed. The analysis did not therefore appear. It is consequently now published for the first time:—

To appease, as it would almost appear, the popular fury which has especially raged in the southern division of the county of Derby in reference to the unhappy convict Townley, a second

Government commission has examined him. Within the short space of five weeks, three separate commissions have examined this man, and two of them, appointed by Government, have arrived at opposite conclusions upon the question of his insanity. The first of these Government commissions could not—

“In view of the extravagant opinions thus deliberately professed by him (Townley), 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,—consider him to be of sound mind.”

This declaration of Townley’s insanity was supported by the opinion of the private medical commission, consisting of Dr. Goode and Mr. Harwood, surgeon, as well as by the evidence of Dr. Forbes Winslow and Mr. Gisborne at the prisoner’s trial. Testimony thus borne to the insanity of Townley, ought, one would think, to have rendered unnecessary the appointment by Government of a second commission at so early a period after the first. Could not the Government place implicit confidence in the ability and integrity of the members of its first commission? If so, where was the necessity to appoint, within the short space of five weeks, a second commission, composed of different persons, to try again the question of Townley’s insanity? Hitherto both the Government commission and the private commission had declared Townley to be of unsound mind. Was this opinion so distasteful to Government—as it was to some portion of the public—that a second commission was ordered to try again that which every person fully believed the first commission had already finally settled? If this feeling did not exist on the part of Government, was Sir George Grey so alarmed at his position in this question, that he must needs yield to those who were bitterly opposed to Townley? He had acted in strict accordance with an Act of Parliament bearing upon this question; he was fortified by the opinion of his own commissioners; he had therefore nothing to fear either in or out of Parliament from those who assailed him.



Yet a second commission was appointed, with such haste as to cast an unmerited reflection upon the intelligence, the professional acumen, and the forensic ability of his first commissioners, and to compel the public to believe that the Home Secretary had not the courage to maintain his first resolves against the onslaughts of the Derbyshire magistrates. Overcome, it is to be feared, by the repeated battering of those gentlemen, he was at length driven from a position impregnable in law and unassailable in its medical aspect to one of doubt, of hesitancy, and of professional injustice to those whose assistance he had previously invoked. Under these circumstances, with the popular feeling deadly fixed against Townley, with the press hostile in the extreme, and with the incessant cry from Derbyshire for his death, a second Government commission was appointed, to retrace the steps of the previous commission, and to test again the insanity of the prisoner. Will any one say that this was the moment for entering calmly and deliberately into an investigation fraught with the momentous issue of life or death to Townley? Can the human heart divest itself at all times of popular sympathy in questions of this kind? Can the mind, in the midst of popular clamour for the death of an individual, fairly and calmly, upon the simple merits of the question, judge that individual without yielding in some respect to the natural disposition which exists to sympathise in thought and feeling with others? It is difficult to feel that stoical indifference which such circumstances require. It is still more difficult to manifest that indifference when felt. Called upon, under conditions the most unfavourable, to cut the Gordian knot which bound Townley in mental relation to crime, the second Government commission entered upon its duties, completed them, and gave the result to the world. That result is expressed in the quotation, that—

*“George Victor Townley is of sound mind.”*

Opposed as this declaration is to the opinion of the first Govern-

ment commission, and to that of Dr. Winslow and others, it is right that the grounds upon which it has been formed should be carefully reviewed. The Report of the commissioners affords the only data available for this purpose. The conclusion arrived at in this Report is supported by certain statements which I now proceed to analyse. The first of these declares for the sanity of Townley, in the following words :—

“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.”

Now, is there anything in the above quotation for the sanity of Townley, which may not be advanced with equal—nay, with greater, force in support of his insanity? Does not the calm and self-possessed demeanour of the prisoner comport with the conduct which is generally manifested by acknowledged lunatics suffering from his alleged form of insanity? Are they not generally controllable, respectful, and consistent in their outward behaviour? But at the second interview, Townley “displayed and expressed annoyance at the repeated examinations to which he was being subjected.” Gentlemen of perfectly sane mind might thus express annoyance at repeated examinations of this character; but it is more probable that men of Townley’s education and social position would, if of sound mind, restrain themselves from openly expressing their feelings under such circumstances. It is, however, well known that insane persons are prone to irregularity in the outward expression of their feelings—that at one time they are calm, dignified, and self-possessed—at another time, irritable, impatient, and even rude. If, then, any inference is to be drawn from Townley’s demeanour as represented by the commissioners, it must in strict fairness be acknowledged as tending to prove his insanity.

To the commissioners' statement that—

“Neither in mode of speech nor in look and conduct was there any sign of insanity observable in him,”

I demur; because this assertion is incorrect when viewed in relation to the interpretation which the preceding sentence gives. If, “at the commencement of the second interview he displayed and expressed annoyance;” and if, as I have shown, such manifestation of his feelings is more consistent with the idea of insanity than with that of sanity, then his mode of speech and his conduct were equally indicative of insanity in him; because it was by “his mode of speech,” and by his “conduct,” that he “displayed” and “expressed” the annoyance which he felt.

The next paragraph of the Report states that—

“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.”

This statement is neither an argument in favour of his sanity, nor yet of his insanity. It is but the simple declaration of the commissioners' estimate of his intellectual capacity. Insanity may be coupled with the highest as well as with the lowest degree of intellectual power. The mental condition of the Earl of Chatham, Otway, Chatterton, Southey, Hugh Miller, at certain periods of their lives, shows that insanity is often a disease of the highest intellect. One of the most accomplished scholars and of the most perfect gentlemen I have ever met, was thus afflicted. In the midst of his insanity, when he would scarcely allow his domestic attendants to touch him, lest he should be defiled, when bed was obstinately refused for a period of five weeks, and when for the same time all ablution was opposed, and dirt was allowed to accumulate upon his bald head and upon his face, under the delusion that it, instead of food, would “feed the brain,” he would receive me courteously, converse with me rationally upon any subject apart

from himself, and frequently delight me by reciting at considerable length from Homer, Horace, Virgil, or from the works of modern writers. The "prompt apprehension" of Townley, in reference to the purport of the questions put by the commissioners, was, under the circumstances of his case, no evidence whatever of his sanity, since insane persons are frequently the quickest in apprehension, and the readiest in reply when under examination by those whose motives they suspect.

The next Report affirms that—

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

This doctrine is held by some people of unquestionably sound mind; but it may as undoubtedly exist as a conviction in an unsound mind. To determine whether or not this apparent conviction in Townley has been arrived at "by ordinary processes of reasoning," it is necessary to know what were his views of individual responsibility before the murder, whilst he yet lived, unprejudiced and untainted by crime, in the midst of his family. The statements which have been made upon this point, by those who have known him from his birth, show that he entertained no such views as those stated in the commissioners' Report until his confinement in Derby jail. This change in his views and opinions was justly regarded by Dr. Winslow, at the trial, as evidence in support of the prisoner's insanity. When, throughout life, a man of good social position and of superior scholarship acknowledges his responsibility for his acts, and when his whole conduct has been in accordance with this conviction, a sudden departure from this view, accompanied by murder, must be strong evidence that the mind has undergone an unhealthy change. The boy who could grieve for days over a bird which he had accidentally killed, who was never known to do an act of cruelty, and who was reared under the humanizing influence of Christian principle

and Christian example, was not likely, when a man, to lay aside, without apparent cause, the hitherto distinguishing traits of his character, and to put on those of the deliberate murderer, the sceptic, and the atheist.

The commissioners further state—

“That he knows that he is responsible for the commission of crime, is made clear by his own words used 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.’”

Here is apparently a frank and open admission of his guilt, and with it an earnest desire that he should not be considered a fool. If, as the commissioners say, he had a “prompt apprehension of the purport of our questions,” it is evident that the instinct of self-preservation would, if he were of sane mind, have led him to scrupulously avoid any such admission. A man of sound mind, and by whom life is at all valued, would not furnish the evidence for his own destruction; but a man of unsound mind, unable to see the full consequences of his admissions, will frequently convict himself in the manner here stated. Again, it is frequently a peculiarity in insane persons, that they are anxious to impress others with the idea of their sanity, and that they are apt to regard all other persons as insane rather than themselves. On the other hand, some lunatics are conscious of their state, and will even tell you that they are insane. Applying these facts to the admissions of Townley above quoted, it may fairly be asked, Whether it is at all reasonable to suppose that they are the admissions of a sound mind, fully conscious of the fact that they would be the means of subjecting the person making them to the penalty of death?

The Report proceeds to say—

“We think that his statement that he killed Miss Goodwin to repossess himself of her as his property, was an after-thought to justify his crime.

He acknowledged to us that he had come to this opinion after the deed was done.

“The supposition that he had killed Miss Goodwin under the influence of the opinion that in doing so 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.”

In these statements for the sanity of Townley there is evidently a great deal of false reasoning and perfect absurdity. Granting the belief of the commissioners, that the reason assigned for killing Miss Goodwin was an after-thought in Townley, it may well be asked, What reason or logic is there in the statement, “that he killed Miss Goodwin to repossess himself of her as his property”? By killing her, instead of repossessing himself of her as his property, he would place her beyond his possibility of possessing her, since there could be no longer any communion between them. If upon such grounds he justifies his crime, it is evident that, as the grounds of the alleged justification are false in reason, the justification itself is in like manner false. Townley’s acknowledgment, “that he had come to this opinion after the deed was done,” is only the greater proof of his insanity; because such opinion is opposed to the common reason of mankind, is contrary to all knowledge and fact, and being arrived at when the mind was not agitated by any active impulse, it demonstrates, in a conclusive manner, a perverted action of those reasoning faculties by which man, in a sane condition, is led to a knowledge of the consequence of his acts. Again, it is declared by the commissioners themselves, that the reason thus assigned by Townley for killing Miss Goodwin “is inconsistent with his own repeated statement” to them, “that without forethought of any kind, he killed her under the influence of sudden impulse.” Thus it is shown by the commissioners themselves, that at one moment he assigned *a reason* for killing Miss Goodwin, and that at the next moment he declared that he killed her *without forethought*, under the influence of a *sudden impulse*, and therefore *without a reason*. Are these pal-

pable contradictions the legitimate offspring of a sane mind? Is it probable, nay, I would ask, is it possible, that a sane man, under examination for his life, would commit himself by such absurdities? For killing Miss Goodwin, Townley either had a reason or he had not a reason. He could not at the same moment *have* a reason and *not have* a reason. Yet he declared that he had a reason, and that he had not a reason, which declarations are a perfect absurdity. If false reasoning like this is indicative of a sane mind, Townley was sane when the second Government commission examined him; but there are, I imagine, few persons indeed who will accept as proofs of his sanity the reasons which have just been advanced.

But the commissioners say—

“He explained to us that by killing Miss Goodwin to repossess himself of her as his property, he simply meant that he 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 he died.”

Now this explanation is as absurd and as illogical as the previous statement which it is intended to explain. It was absurd for Townley to look upon Miss Goodwin in the light of his property, inasmuch as their previous engagement gave him no legal claim to her. By killing her he certainly took her out of the hands of his enemies; but here his influence ended. He could not place her “in a position where she would wait, and where he would rejoin her when he died.” Death being the close of our independent existence, there is no *freedom* of the *will* to govern our actions beyond the grave. The expression “she would wait,” nevertheless conveys the belief in the freedom of the *will* after death; but the idea is negatived by our reason, and by our knowledge on the subject. Hence, the idea, not being in accordance with reason and common sense, cannot be accepted as evidence of a sane mind. If, however, the whole sentence be regarded in its full import, the views expressed in it will be found to partake of the character of a de-

lusion ; firstly, because his idea that Miss Goodwin was his property, and that he had a perfect right “to deal with her life as he had to deal with any other description of property, such as the money in his pocket and the furniture in his house,” is opposed to reason, to the universally accepted relation in which one person stands towards another in this life, and to the law itself ; and secondly, because by ascribing to her the *will*, and therefore the *power* to wait for him after death, he invested her with a function which every sane person knows has no existence beyond the grave. But to proceed :—

“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 showed 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.”

If the former sentence of this paragraph be properly considered, it will be seen that it demonstrates the absence of even ordinary reasoning power in Townley at the time of his examination. He accounted for the murder on the ground of “sudden impulse,” which precludes the idea of *forethought* ; yet he at the same time acknowledges that he used threats for some time before he struck the first blow, which shows the existence of the very *forethought* which he had but just denied. Are these contradictions consistent with the possession of a sane mind, “prompt in its apprehension of the purport” of the questions of the commissioners? A man of the most ordinary intellect, and of the most limited reasoning faculties, would readily have discerned the fatal issue to which such contradictions must lead him. Would he, then, in a sane state of mind give utterance to such absurdities in explanation of a crime which he well knew would entail upon him the penalty of death? To explain the occurrence of the murder both by the absence of premeditation and by premeditation itself is opposed alike to reason and to



common sense. Yet Townley did this to the commissioners, and they regard this double contradictory explanation as evidence of his sanity! Never before was sanity attempted to be established upon more slender grounds. It is not unworthy of remark that the admission of Townley to the commissioners, "that he used threats of murder for some time before he struck the first blow," is mentioned for the first time in the commissioners' report. Neither at his trial nor to any other person did he ever make a similar statement. He, on the contrary, distinctly stated on the second day of his examination by the first Government commission—"I certainly used no threats before I stabbed her." If the late period at which this statement by the commissioners is made, be taken in conjunction with the manifestly contradictory accounts which Townley gave of the state of mind under which he committed the murder; if regard be had to the other particulars which I have examined above; if we take into consideration the evidence of Biddulph at the trial, as to the apparently calm and placid manner in which Miss Goodwin was talking to Townley as he (Biddulph) passed them almost at the very moment before the murder; and if, moreover, we regard the opportunity of escape which the presence of Biddulph afforded Miss Goodwin, there will be no difficulty in arriving at the conclusion, that this admission of the use of "threats of murder for some time before he struck the first blow" was an "after-thought" suggested by the prisoner's disordered imagination.

If, as the commissioners say, "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 to be accepted as "evidence of his sanity," they may, with much greater reason, be regarded as evidence of his insanity; because the clearness and accuracy of the memory of a lunatic upon the particular subject of his insanity are often very remarkable, and the attempts which Townley made before the commis-

sioners "to misrepresent the state of his mind" at the time of the murder, involve, as I have already shown, such contradictions and absurdities as to be incompatible with the idea of ordinary reason in the person making them. Although the memory of a lunatic may be clear upon the actual occurrences which attend the commission of his crimes, yet his disordered imagination will frequently add to those occurrences until the impressions produced upon the mind are regarded as having their origin in real existences. In this way new and sudden additions to actual events are made by lunatics, and are related by them as facts when questioned as to the history of their crimes.

The last reason which is assigned by the commissioners for the sanity of Townley, and which it is necessary for me to notice, states :—

"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."

One of the best answers to be given to this statement is the simple fact that an uncle of Miss Goodwin and her mother were the only members of her family who were ever opposed to her engagement with Townley. Upon this point I speak advisedly, and with undoubted authority. Captain Goodwin, as he stated at the trial, did not know of his grand-daughter's engagement; but it was known to most, if not to all, of the other members of her family; it was approved of by all of them except the uncle above referred to; and it was especially encouraged by Miss Goodwin's mother until a very short period before the murder. It is necessary for the consideration of the question of the prisoner's delusion, to sweep away this fallacy, this gratuitous assumption, which has taken such root in the public mind, and upon which the commissioners themselves found an argument for the

non-existence of delusion in Townley. It is also necessary to disabuse the public mind of another fallacy with which it is impressed, and which represents Townley as being "a poor match" for Miss Goodwin. Upon this point I am enabled to speak from unquestionable authority, and to say, that in social position he was her equal—in worldly prospects, greatly her superior. Having thus placed these particulars in their true and proper light, the question recurs—Was Townley at the period stated by Dr. Winslow the subject of delusion? I must here repeat the quotation which I have already made from the evidence given by this eminent psychologist at the trial. He stated that—

"During my second interview, he (Townley) said that he had been for some weeks previous to the 21st of August 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 that if he was at liberty, the conspirators would then continue their operations against him, and in order to escape from them, he would be obliged to leave this country altogether."

Now, this statement given by Dr. Winslow as evidence of delusion in Townley's mind is disbelieved by the commissioners, on the ground that the prisoner "uses the term 'conspiracy' to express the real opposition which he had met with from members of Miss Goodwin's family to his engagement with her." But it has already been shown that this "real opposition" was in the first instance confined to a single member of Miss Goodwin's family, that it never extended beyond two members of her family, and that it was approved of by all the other members to whom her engagement was known; whereas the terms of the conspiracy, as it existed in Townley's mind, enumerate "six conspirators plotting against his rest, and meant to destroy him, with a chief conspirator at their head."

Again, the form, character, and object of the conspiracy spoken to by Dr. Winslow are different from those of the conspiracy

detailed in the examination of Townley by the first Government commission. The former had special reference to Townley's personal safety; the latter dealt only with the relation in which he stood to Miss Goodwin. In the one conspiracy, the conspirators are "plotting against his rest, and meant to destroy him;" in the other, he distinctly states, "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."

If the terms of the two conspiracies be duly considered, it will be seen that they are separate and distinct formularies in Townley's mind. There each had an independent existence according to the particular time of his examination by Dr. Winslow and by the Government commissioners; but the latter have unfortunately mistaken the one for the other, and have thus confounded and mystified conditions which are plain, palpable, and distinct in their respective relations to Townley's mind. There is, therefore, no doubt that at the time of his examination by Dr. Winslow on the night before his trial, he believed in the existence of a conspiracy against his life. There were six conspirators, with a chief conspirator at their head; they plotted against him; they sought to destroy him; they continued their evil machinations against him whilst he was yet in prison; they would continue to seek his destruction if he were at liberty; and in order to escape from their evil purpose, he would be obliged to leave the country. Here is delusion—legal delusion—but the commissioners reject it. To establish, however, the fact of Townley's insanity, I desire no better evidence than that which their own document affords.