

### INSANITY WITH RELATION TO CRIMINAL RESPONSIBILITY.

He said the subject on insanity, with relation to criminal responsibility had caused much controversy between the two professions. It was the province of a judge to inform the jury what are the conditions of the mind which constitute responsibility—that is to say, which would render the accused responsible for having broken the law. Now it must be evident to all that a judge, in that situation, must feel the desirability of adopting some plain instructions which would be intelligible to a jury. He remembered having heard a physician, who had paid much attention to this subject, deliver a lecture upon it in this town; this gentleman stood deservedly high in his profession, but was rather hard upon the lawyers, especially upon the judges. It was all very well in a lecture to discuss those slow, obscure and intricate disorders of the brain and the effect of their actions on men, but it was a very different thing to instruct a jury in a plain, practical and intelligent way, as to the points they should consider in rendering a verdict. The directions usually given by a judge to the jury in cases where insanity is set up as an excuse for crime, is—"Did the accused at the time he committed the act know the nature of the act, and that the act was wrong?"—that is to say, wrong in the sense that it was contrary to law. Judge Elliott here gave instances—one, in particular, of a man tried for the murder of his five children; insanity was set up as a defence. The judge directed the jury in the usual way, and the jury ignored the defence, and found the man guilty of murder. The case was laid before the Home Secretary, who deputed two eminent physicians to examine the man, and on their report the man's life was spared. It was strongly objected that the judge in charging the jury ought to have gone further, and expressed to the jury that if the act was committed under an uncontrollable impulse, he should not have been convicted. But it is evident, he said, that the admission of this doctrine might open the door to some of the wild theories which have been advanced, especially in the neighbouring state, under the name of impulsive insanity, emotional insanity, &c. Consequently, judges hesitate to go further in this direction than they have hitherto done. At the same time he believed that in practice there was less to complain of than members of the medical pro-

fession generally thought. For what does the direction usually given include? Everything which is material to show whether the person's mind was sufficiently sound to enable the jury to form an opinion on this subject. The wisdom of medical men is introduced to show whether the person's conduct, in respect to the particular act, is symptomatic of a mind so diseased as to render the person irresponsible for his acts. Thus, it would be found that, practically, the limits within which the question of responsibility is decided in the courts, are more extensive than is generally supposed. It is well known that some persons do labour under extraordinary delusions upon particular topics, yet those persons, apart from their delusions, that is to say when entering upon other topics, appear as rational as ordinary men. Are these persons to be shielded from punishment? Some medical writers assert that there cannot be delusions so strong as to be what are called insane delusions conjoined with a mind sufficiently sane in some respects as to render the person responsible. Others do not appear to go so far. But, however this may be, the jury, from the facts asserted by medical evidence, are to pronounce upon the individual's mental competence to know the nature of his acts or to control them. The course now taken by the courts in dealing with the question of insanity in criminal cases, may appear a rough and ready way to dispose of a question involving intricate physiological enquiries. Nor is it likely to be satisfactory to the medical student who perceives that it involves nice discrimination as to the delicate organisms of the brain. But it may help to reconcile us all to this practical, and perhaps imperfect mode of administering justice in relation to insanity, when we reflect how imperfectly in the tribunals of this world we mete our justice to criminals in cases where insanity does not come into question. A miserable wretch, reared amidst the haunts of vice, to whom no pious and loving parents ever imparted by tuition or example those early lessons of virtue and morality which are inestimable, experiences no more loneliness than he whose lot has been cast under happier auspices. "Take temptation away," says Thackeray, "and which of us is better than our neighbour." Yet grinning poverty, temptation, evil associations, and these, with blunted sensibilities, furnish no shield against punishment. Says the practical man of the world: "It cannot be otherwise; society