

easily have made a very different showing. The whole medical profession will await further developments along this line, and wish Dr. Coley and other workers in this hitherto hopeless field a hearty God-speed.

A NEW QUESTION IN MEDICAL JURISPRUDENCE.

The insanity dodge, to avoid the result of criminal acts, has been rife in courts of law for many long years, and especially so, we think, in the past two decades. Though so often tried it has not in many cases proved of much service to the malefactor; his mental condition having been shown, in nearly every instance, to have been such that he was responsible for his acts. The assumed disease never shows itself until after the commission of the crime, and the detection of the criminal; which circumstances together with the examination of the feigned insane person, by experts, nearly always, we may suppose, results in the placing of the suspect in the proper position as to mentality.

But hypnotism brings a new question before the medico-legal world, and one which, we are inclined to think, will prove an extremely difficult one to thresh out. Ernest Hart is on record as having said, "It has been shown that not only will a hypnotic subject perform unconsciously, under the influence of suggestion, acts which are dangerous to himself and others, and which are in themselves criminal—so that he can be made to thieve, to commit arson or to attempt violence—but that certain subjects can, there is reason to believe, be made to receive a suggestion having in it a time element. He can be told: 'On this day week, at a given time, you will return to the hypnotic state, you will go to a given place, you will steal such and such property, or you will attack such and such a person, and you will not remember who gave you the direction.'"

Criminal lawyers will not be slow to take up this statement by Dr. Hart, made, no doubt, after due deliberation as to the far-reaching effects of such conclusions placed before the world by one who stands so high in his profession. It can easily be seen how unfortunately placed the ordinary physician will be in criminal cases, as to any

weight his evidence will have, if it goes against this plain statement of possibilities by I. r. Hart.

A case in point has recently been furnished by the result of a trial in Wichita, Kansas. A man, Patton, was killed by the self-confessed murderer, McDonald. McDonald was acquitted by the jury, under the instruction of the judge, on the ground that he had committed the crime while he was under the hypnotic influence of his employer, one Gray.

The evidence in the case showed that Gray was a man of strong personality, of a commanding presence, and dominating manner; that, he and not McDonald, had a *motive* for the killing of Patton, the latter having been a witness against Gray in a law suit of much importance. Under the dominating will-power of Gray, McDonald was shown to have been obliged to lie in wait for, and shoot Patton.

Not only did the court go so far as to acquit McDonald; but afterwards, in a separate trial, convicted Gray of murder committed by his agent, and sentenced him to death.

So now we may expect an epidemic of hypnotic suggestion, and more trouble over the much vexed question of *responsibility*. The psychopathist will not only have to decide as to the "mental disturbance arising from disease," the old and true test, but will have to weigh and measure the amount of *will* the criminal had remaining. And here, Mittermaier, who wrote long before hypnotism as such was ever heard of, will be in evidence, for he holds that the *will* is the most important factor in any given case, and "rebukes the English jurists for the rigid adherence to the antiquated doctrine, that whoever can distinguish good from evil enjoys freedom of *will*." In his opinion it is not a question as to whether the accused one was aware of the criminality of his action, but whether *he had lost all power of control over his actions*. Ordronaun practically agrees that *will* is the test of responsibility in any case.

Now, the opinion of such men, coupled with Dr. Hart's statement, makes what appears a hopeless muddle, in attempting the discovery of truth, the great purpose of the law. Why, for instance, might not the *victim* in certain cases be shown to have hypnotized the murderer and forced him to do the act, rather than that the murdered man