

from the prisons, having been convicted and sentenced for life. So far as it is possible to judge from their histories, and from the character of their disease, at least forty per cent. of such convicted cases were insane at the time the crime was committed. In many instances the fact of their insanity was not recognised at the time of their trial, but in others the plea was set upon a defence and failed."

B.

The second class comprises all those insane persons whose mental derangement has not been recognised at the trial and have been sentenced, the fact of their insanity having passed unnoticed. No medical opinion was sought for and no plea of insanity was set as a defence.

These are judicial errors which may be called unintentional. To this second class of cases we shall refer exclusively in this paper.

For some years past doctors and criminologists have been struck by the number of unrecognised insane, condemned by the courts, and very interesting statistics on the subject have been published in Europe.

1.

In an essay, published in 1891, Dr. Pactet gives more than 35 observations gathered in the space of a few months, whilst he was house physician at the special infirmary of the Prefecture of Police at Paris.

In 1892, Dr. Paul Garnier, chief physician of the infirmary of the Paris Prefecture of Police, in his report, presented to the Anthropological Congress at Brussels, compiled a statistical table of unrecognised insane, who were condemned and afterwards sent from the various prisons of the Department of the Seine to the special infirmary, in order to undergo an examination as to their sanity.

These lunatics were numbered as follows:—

1886.....	59
1887.....	45
1888.....	49
1889.....	37
1890.....	65
	255

This table shows a total of 255 errors for a period of five years.

Dr. Eugene Thibaud, in a remarkable paper published in 1896, gives an account of the number of lunatics judicially condemned and afterwards committed to the Ann's Asylum (Paris), in the service of Dr. Magnan, from 1891 to January 1st, 1896, to be as follows:—

1891.....	22
1892.....	17
1893.....	21
1894.....	15
1895.....	42