

autumn of 1910 I was called to give special evidence in the case of G——, a young man not yet 20 years of age, who was held for the crime of murder. The evidence went to show that he was a defective from birth. Witness after witness gave evidence to this effect. Most remarkable was the evidence given by his old teacher, who declared that the defect was so pronounced that he could not imbibe the most rudimentary knowledge, that he played truant, had no sense of discipline or duty and in fact exhibited all the well known ear-marks of the congenital defective. So firmly was this impressed upon his teacher that often, for the boy's own safety, she would keep him with her after school and then walk home with him, fearing for his safety. His industrial life exhibited early the characteristics of the defective.

On the date of the alleged murder, this boy with two or three others was engaged to saw a quantity of wood. After being paid for sawing the wood they proceeded to buy beer, not a large quantity. After drinking it the boy became violently disturbed, went to his home, secured a rifle and began shooting indiscriminately through doors, windows and ceilings. The town policeman was called and on his appearance the boy ran into the garden. When the constable started to climb the fence the boy fired, missing the policeman but killing his mother. The boy then ran down the road and climbed a pier of the bridge, keeping on shooting until his ammunition was exhausted. He was then taken down and claimed that he had no knowledge whatever of what had happened during his disturbed period. At the trial the question of course was raised, did this boy know right from wrong. In a measure he did, but only in a measure. Even though knowing right from wrong his power of inhibition was wanting in a marked degree. At the time of the shooting he unquestionably had no control over his volition, due to the excitement caused by alcohol; yet this defective was sentenced to be hanged; the sentence afterwards being changed to life imprisonment. He remained at the Penitentiary until 1913, when he was given a ticket of leave, due to advanced tuberculosis, and died from this disease shortly after parole was granted. There is no doubt whatever that this boy should not have been sent to the Penitentiary. The question then arises should the case have gone to trial? Would not the ends of justice have been better served if this unfortunate individual had been sent to a psychiatric hospital, for observation and study, and a report of the findings by those qualified been submitted to the judge?

This is typical of many cases of defectives who are tried and sentenced because, in the eye of the law, they know right from wrong. They may even know the nature and quality of their act, and be able to advise their counsel with regard to the defence, though on account of