

## MEDICAL JURISPRUDENCE.

## NO. II.

It would be injudicious to confine the advantages resulting from Forensic Medicine to criminal jurisprudence alone, and I will therefore prove its indispensable utility to the civil, on many important cases, and which require minute legal investigation.

1st, *Insanity*.—Of all the defects to which the human species can be subject, none I believe exceed that dire affliction—the loss of reason; which, in its perfect state, must be considered not only the noblest attribute of God, but the greatest characteristic of man from the brute creation;—by its loss are embittered all the enjoyments bequeathed to us, and will even suppress the tender feelings of consanguinity, friendship, and love. It is, however, greatly to be regretted, that where the management of fortune is attainable, we often see mercenary minds (always ready to gratify advantages over human weakness) will be prone to pursue the most unnatural and degrading alternatives for enforcing a judgment of alienation of mind against the nearest of relatives, when in fact there will sometimes exist but a partial derangement of the intellectual powers. For let it be well considered that a few acts of irrationality committed by a person should never lead us to pronounce a total privation or incapacity of mind against him, nay, *humanum est errare*, and as Tillot well observes:

Le monde est plein de fous, et qui n'en veut pas voir

Doit se tenir tout seul et briser son miroir.

He must evince mental derangement in almost every action of his life, as well as when the powers of sense are with him, merely accidental; it is this want of judgment which should deprive one of administering or of acting in affairs immediately interesting himself or his family. It is, however, necessary to resort to every precautionary measure, so as not to be induced to deprive him (without well-founded proofs of fault) of one of our noblest rights, "*control of person and property*." The Romans even fully appreciated this inestimable right, as may be seen by their laws: "*Observare protorem oportebit ne cui temere citra, causæ cognitionem plenissimam curatorem*."

This calamity exists in a variety of forms, and to define it would be a difficult task, but the best, and the one sanctioned by authority, is that "*it consists in reasoning well on false premises*," but it must seem to every one, (with Dr. Adams) that, in order to apply this doctrine, we must be previously acquainted with the character and external circumstances of the man. Fox and Pitt both reasoned well, and on the same premises, yet we accuse neither of them of madness, though each drew a different inference. If interest should be suspected to have warped either, the same cannot be thought of Clarke and Leibnitz. As to partial insanity, it is when the patient may have a competent use of his reason on various subjects, and can speak and argue rationally upon all, excepting the one under which the peculiar hallucination of his mind labours, and where it appears entirely distracted from its chain of