

discussion which took place on this subject, at a meeting of the "Medico-legal Society of New York," "that he is in favour of punishing insane people just as he would a tiger who went about destroying people. If a lunatic had a homicidal mania he would hang him."* He would not only hang *any* and *all* insane people who killed any one, but he would hang them if they had a mania to kill, even were the deed not performed. This would be an effectual way to make vacancies in our asylums, and would remove perplexing problems from courts of law to the scaffold and the grave. I am sure such a brutal idea will never prevail where humanity exists. One of the theories of the transmigration of souls was that some one died when each mortal was born, and the soul of the dead was immediately translated to the new-born child. I am afraid no one died when Dr. Hammond was born. I take this charitable view of the author of such a horrible proposal.

There is reason for caution in a witness when he is asked to acknowledge that peculiarities of mind may mean insanity and irresponsibility. A man may do a great many strange things and still have perfect soundness of mind. There is no common standard to measure mentality with analogous to the yard stick and bushel in the British Museum. Each man must be gauged by himself, in his antecedent conduct and individuality, for among all the sons and daughters of Adam, no two are alike in body and mind. No man can be justly tried by a code of laws which indulges in vague generalities, on the one hand, or which vaunts an absurd minute classification on the other. What may seem odd in a naturally quiet and reticent man may be the usual conduct of him who is "boiling over" with exuberance of spirits. The temperament, peculiarity, bias, habit and mode of thought, of each person must be considered in relation to each history. To expect a uniformity in humanity, and judge that one man must act like any and every other man, is the greatest absurdity. This want of sameness must forever bar the way to finding a general definition of insanity. The conditions are too multifarious

for us ever to prove mental *status* with formulæ as definite as those of Euclid.

A witness should not allow himself to be led into a trap by having proposed to him one symptom at a time, and then be asked if each of those indicate insanity. Each symptom might not be characteristic in itself, when the aggregate might be conclusive. When details are asked for the witness must guard himself by insisting on their accumulated weight, to enable him to form an opinion. This may not be necessary in acute cases, when the patient's actions speak louder than words, but the sum total of symptoms is of great importance when the indications are obscure. Many times it is impossible to express, in words, the gait, mode of expression, look, and general demeanour of an insane person, so as to impress a court with their forcible significancy. Take an example of one of many found in any asylum. A person was once tidy in his habits; is now slovenly. He had a firm step; he has now a shuffling gait. He never decorated his person; he now makes a ring of some material for his finger, or ties it in his button-hole. He was not a keen observer of small things; he now notices and picks up pins, nails, straws, bits of glass, or any other small object that may come in his way, placing them in some corner, in his pocket, or in any other part of his clothing. He may have had distinct utterance; but he has lost that clear enunciation of words and mumbles them out. He was inquisitive at one time as to what was going on around him; he may now listen to a recital of stirring events and take a momentary interest in them; but it is of short duration. He was active and industrious; but he is now lazy. This recital might be extended indefinitely, but in short, there is a perversion of the patient's whole character. The medical witness sees a case of dementia, yet, each of the symptoms taken *seriatim* would have no significance, being without salient points, to an unobservant jury, and even the combined catalogue would have little force or weight in many courts of law. There may be no delusion apparent; there may be a sense of right and wrong. Sharp questionings may elicit correct and intelligent answers, but a number of changes of character, such as I have enumerated,

* *The Journal of Mental and Nervous Diseases*, July 1873, p. 556, et seq.