

tention, unless they come into legal notice. The practical question to be determined in a given case in court is the actual mental condition of the prisoner, who claims to have no recollection of the crime. This is a class of evidence that must be determined by circumstantial and collateral facts, which require scientific expertness to gather and group. The court can decide from the general facts of the crime and the prisoner whether his claim of no memory may possibly be true, and order an expert examination to ascertain the facts. This should be done in all cases where the prisoner is without means, in the same way that a lunacy commission is appointed to decide upon the insanity. The result of this expert study may show a large preponderance of evidence sustaining the claim of no memory, or the opposite. If the former, the measure of the responsibility must be modified, and the degree of punishment changed. While such cases are practically insane at the time, and incapable of realizing or controlling their acts, they should be kept under legal and medical surveillance for a lifetime, if necessary. Such men are dangerous, and should be carefully watched and deprived of their liberty for a length of time depending on recovery and capacity to act rationally and normally. They are dangerous diseased men, and, like victims of contagious disease, must be housed and treated.

The future of such cases depends on the removal of the causes which made them what they are. The possibility of permanent restoration is very promising in most cases. How far alcoholic trance exists in criminal cases is unknown, but the time has come when such a claim by criminals cannot be ignored, and must be the subject of serious inquiry. Such a claim cannot be treated as a mere subterfuge to avoid punishment, but should receive the same attention that a claim of insanity or self-defence would. This is only an outline view of a very wide and most practical field of medico-legal research, largely unknown, which can be seen in every court room of the land. These cases appeal to us for help and recognition, and the highest dictates of humanity and justice demand of us an accurate study and

comprehension of their nature and character.

The following summary of the leading facts in this trance condition will be a standpoint for other and more minute investigations:—

1st. The trance state in inebriety is a distinct brain condition, that exists beyond all question or doubt.

2d. This brain state is one in which all memory and consciousness of acts or words are suspended, the person going about automatically, giving little or no evidence of his real condition.

3d. The higher brain centres controlling consciousness are suspended, as in the somnambulistic or hypnotic state. The duration of this state may be from a few moments to several days, and the person at this time may appear conscious and act naturally, and along the line of his ordinary life.

4th. During this trance period crime against person or property may be committed without any motive or apparent plan, usually unforeseen and unexpected. When accurately studied such a crime will lack in the details and methods of execution, and also show want of consciousness of the nature and results of such acts.

5th. When this condition passes away the acts and conduct of the person show that he did not remember what he had done before. Hence his denial of all recollection of past events, and his changed manner confirm or deny his statements.

6th. When such cases come under judicial inquiry the statement of the prisoner requires a scientific study before it can be accepted as a probable fact. It cannot be simulated, but is susceptible of proof beyond the comprehension of the prisoner.

7th. In such a state crime and criminal impulses are the result of unknown and unforeseen influences, and the person in this condition is dangerous and an irresponsible madman.

8th. This condition should be fully recognized by court and jury, and the measure of responsibility and punishment suited to each case. They should not be punished as criminals, nor should they be liberated as sane men. They should be housed and confined in hospitals.