

## Original Communications.

## MEDICAL EVIDENCE OF COURTS OF LAW.

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Dr. Forbes Winslow, in his "Anatomy of Suicide," says:—

A man may allow his imagination to dwell on an idea until it acquires an unhealthy ascendancy over his intellect. Surely, if, under such circumstances, he were to commit a murder, he ought to be held as a murderer, and would have no more claim to be excused than a man who has voluntarily associated with thieves and murderers until he has lost all sense of right and wrong: and much less than one who has had the misfortune of being born and bred among such malefactors.

This wide definition could not be of practical benefit, because bias, confirmed habit, hereditary wickedness, oddity and peculiarities may be normal and the natural out-crop of successive voluntary acts by our progenitors or ourselves. In other words, they are not the products of physical or mental disease, and are more or less the inheritance or acquisition of every one. This law of interpretation would include a large number of the insane as responsible beings. There are times in the lives of many lunatics when they not only know right from wrong (the distinctive Shibboleth of so many judges to the present day), but also when they can refrain from wrong-doing, for fear of punishment, as rational beings do in every day life. They can curb the insane impulse by volitions which are within their control. Should they be exempt from penal consequences? The asylums are full of inmates, who for weeks together, are—as far as human knowledge goes—comparatively sane. Their insanity is periodic. In the intermissions of sanity such have full control over all their acts, and are cognizant of their relationship to society. The equilibrium of the mind at such times, as far as we can judge, is maintained, and such are quite capable to transact business, to bear injuries, with equanimity, and forbear from any overt acts as any perfectly sane citizen. If at such times, and during such intermissions the individual

commits a felony, should he be held responsible and punished for his crime? I am well aware that objection may be raised that during these so-called "lucid intervals" the mind does not fully recover its normal tonicity. This may be true to some extent in many cases, but if the mind have not all the strength of a totally sane man, in vigorous mental health, it has sufficiently recovered, at these times, to perform all its necessary work in the same manner and within the same control as the great majority of mankind. It is proposed to medical men, in view of these difficulties, to confine the definition of insanity to mean brain disease. In this way the question of responsibility would still remain with the Court. If by disease is meant organic lesion, then would the definition be too limited: for functional derangement will dethrone reason for a time. This is seen in the inhalation of anæsthetics, in drunkenness, in the wild delirium of fever, and in the effects of many other toxic agents. The brain may become affected functionally, because of excitement in one or more distant organs of the body. This is seen in the kleptomania of women at certain menstrual periods. The woman who revels in wealth will become a thief at such times, who would revolt at the thought when the frenzy passes away. It is the love of stealing, not the pleasure of possession alone, that prompts the act. We see the same eccentric causes in puerperal mania, at the climacteric of female life, hysterical mania, nymphomania, and such like, which may in their initiatory invasion be excitants and the cause of permanent lesion of the brain in the long run, but none can say that the mischief has not begun outside of the brain. Disease of the brain will cover the large majority of the insane. Disease of the body, outside the brain, will show an efficient cause in many. The two combined make a good majority in our asylums, but to say that lesion of the brain only is a complete definition of insanity would not be in accordance with experience. *Post mortems* often show extensive adhesions inside the skull, and serious invasion of disease in the substance of the brains of those who have died of other bodily diseases, but sane to the last. Also many an insane person dies and leaves no evidence of mischief in the head.