

of justice, that insane criminals should be punished just as sane ones, by all means let them be so punished; but let there be no legislative, legal or judicial jugglery, in any part of the process; nay, stoop not even to the bald pretext of *expediency*,—the abhorrent justification of the *means* employed, by the *end* to be achieved. Reverse the wheel of Christian rational progress, unseat the holder of the reins, and ensconce a Nero or a Torquemado in his place. Do this, and appease the hungry appetite of the *Times*. Would the *Times* have any objection to learn that some, at least, of the most enlightened British judges have begun to diverge from the beaten track, in their charges to juries, in cases involving the question of the mental condition of parties tried before them, on charges of capital offences?

The *Globe* has applauded the "*rough and ready*" method of deciding the prisoner's guilt, on the ascertainment of the fact of his knowledge of right and wrong, and of course the *Globe's* satellites must revolve deferentially around their centre of gravity, and men who have devoted their lives to the earnest study of insanity, and have honestly endeavored to acquaint themselves with its multi-form protean shapes and shadings, must stand aside and bear with becoming humility and dread the sneers and scoffs of the inane penny-a-liners who do the drudgery required of them by their infallible dictator.

Last May, the boy O'Connor, who, on a certain occasion, had presented a petition and a rusty pistol at the Queen, and was found *sane* and guilty, and sentenced accordingly to penal servitude and the lash, once more turned up in his old haunts, and was soon captured, and "brought before Sir Thomas Henry, at Bow street, and *quietly removed to a lunatic asylum*, as mad as a March hare." The London *Telegraph* reminds the gentlemen of the long robe that "during his trial at the Old Bailey the law officers of the Crown laughed to scorn the physicians who expressed their strong belief that he was a lunatic." I know not on what canon of jurisprudence, or in obedience to what judicial precedent, O'Connor was adjudged to be not insane. If it was on the "*rough and ready*" rule, applauded by the *Globe*, I should very much like to see the proofs of the boy's actual knowledge of right and wrong. In my belief it amounted just to this, that he thought it was wrong to detain the Fenians in prison, and it would be quite right to let them out. The sneer and the scoff might now well be turned on the other side; but physicians can afford to be forgiving. It is their daily experience to encounter ignorance, and

it is their ennobling duty to pity it, and patiently wait, and work, for its removal.

But to return to the divergence of British judges from the beaten track, I would now submit to the *Times* the following extract from the charge to the jury by a Scottish judge, Lord Ardmillan, on the trial of a man named Tierney, at the Glasgow circuit court last September, for the murder of a fellow-laborer named Campbell.

Lord Ardmillan said, "Liability to sudden irritation, susceptibility to sudden provocation, sullenness, ill-temper, silence, gloom, none of these would do"; that is to say, to warrant a verdict of insanity. "All these," continues his Lordship, might exist without that *deprivation of reason*, that shattering of the powers of the mind which constitute insanity. But if there was a recurrence of the *disease, depriving the man of the power of controlling his actions, impelling him irresistibly to commit certain actions, that excluded responsibility.*"

Now, that which I deem worthy of special note in the above extract from Lord Ardmillan's charge is the total absence of the threadbare appeal to the "knowledge of right and wrong" test of mental competency and legal responsibility, or the knowledge possessed by the accused, that the act committed was *contrary to the law of the land*. Experienced alienists may, or may not concur with Lord Ardmillan in holding that "liability to sudden irritation, susceptibility to provocation, sullenness, ill-temper, silence, gloom," *all*, should be regarded as excluding the presence of insanity. Experienced alienists well know that, not only are these mental conditions, when *all* combined, but merely when only two or three of them are present, very usual concomitants of insanity. A physician examining any patient for the purpose of his commitment to an asylum, finding *all* the above facts, would perhaps not seek much farther, and examining physicians make much fewer errors of diagnosis of insanity than judges.

Lord Ardmillan, however, strikes out on new judicial ground, when he speaks of a "*disease depriving the man of the power of controlling his actions, impelling him irresistibly to commit certain actions.*"

It was not until insanity was recognized as a physical *disease*, and no longer regarded as a meta-physical *ignis fatuus* that the world calling itself sane, began to regard it as amenable to rational, medical, humane treatment; and not until judges, barristers and jurors, shall have been taught to regard it in the same light, will they begin to comprehend its true nature.