

JUDICIAL ERRORS IN LUNACY.*

BY

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The scope of this paper is limited to cases which came under the jurisdiction of criminal courts and refers only to lunatics who have been convicted and sentenced.

The lunatics who thus suffer punishment from the criminal courts may be divided into two classes.

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In the first class we meet with those who, though having been submitted to medical examinations and found insane, have, nevertheless, been convicted and sentenced, because the court paid no heed to the opinion of the experts who testified to their irresponsibility. These are judicial errors which may be called intentional.

These errors have been brought up at a meeting of the British Medical Association in 1895, by eminent experts, as to England, as shown by the following extracts from the proceedings:—

Dr. Clouston: "He thought that half of all criminals solemnly tried and condemned to be hanged, were afterwards made out insane and relegated to Broadmoor."

Dr. Nicholson: "The actual percentage of those committed for murder, being reprieved was 5.6 per cent., for a period extending over 30 years."

Dr. Maudsley: "Injustice was undoubtedly done by a parade of justice, condemnation and afterwards removal to Broadmoor."

Dr. Daniel Clarke, of Toronto, gave before this Association, facts collected in Canada, which we would call very interesting if they were not so to be regretted.

Speaking at the last meeting of this Association, Dr. H. E. Allison, of the Matteawan State Hospital for criminal lunatics, said: "It will be noticed that out of one hundred and seventy-nine insane persons who have committed murder, over fifty-three per cent. were received

* Read at the fifty-fifth annual meeting of the American Medico-Psychological Association, held in New York, May, 1899.