

of insanity, or supposed insanity, upon the elucidation of which, the hope and prospects of whole families sometimes depend. Whether, as held by certain Neurologists, hallucinations are accompanied, if not caused by, derangements of the optic thalamus or parts adjoining; or, according to others, that the seat of trouble is in the corpora quadrigemina; or, according to a third, that there is pigmentation of the retina and pigmentation of the spleen or of the cortical nerve cells, or in certain cases pigmentation of the whole brain; or whether, according to a fourth, better informed methinks, these appearances are mere coincidences, met with in sane and insane alike, thus severing the connexion endeavoured to be set up between insanity and pigmentation any where; or, whether anomalies in the vascular supply alone awaken old impressions, which are often erroneous, because misplaced as to time and circumstance; or whether, as beautifully put by Spitzka, complex registrations imply a higher consciousness, and can only have their seat in the higher centres, namely in the cortex cerebri, and that it is through the fasciculus of the corona radiata that registrations of thoughts or impressions, sane or insane, are "projected on the cortical convoluted screen," a screen, as Spitzka calls it, because it acts like one in receiving impressions, and differs from it only in that its impressions are never blotted out, except by destructive lesions or by death." While these questions concerning the site and causes of insanity are undergoing inquiry, and no where with more diligence than in some parts of America, let us hope with solution, the questions why should the brain alienate its functions; in what manner is lunacy brought about; whence and from what source is reason dethroned; and where is the seat of the usurper, although pregnant with scientific interest, have a more practical aspect, and one which concerns the public not less, and justice and humanity more.

The responsibility or irresponsibility of accused persons is a not uncommon question to be decided in our Courts of Justice, where the plea of unsoundness of mind is often put forward to influence and guide, or to hinder and traverse, the due course of law. There are many phases of insanity indistinguishable to the unprofessional observer; and as, on the one hand, the legal definition of insanity was settled, established, and freed, as was supposed, from ambiguity, by Legists who have long since passed away; on the other, every year adds a something to our etiology and pathology of that state, which under the term *insanity*, includes so many varieties of unsoundness of mind. The breach between Medicine and Law on this question has always existed, and must necessarily grow wider and wider, until another Erskine shall have arisen, who, availing himself

of the researches of recent neurologists, will adopt a definition more nearly correct than any of those which I take at random from standard works: "Un délire chronique, sans fièvre, avec excitation des forces vitales;" or as otherwise characterized: "Un délire général avec excitation, érasibilité, penchant à la fureur." "Un délire général, ou du moins sans idée dominante, sans passions fortement prononcée et permanente, mais avec disposition à la fureur."

Such, gentlemen, or something much after this fashion, is the definition, in the gross, of a malady which jurists wish us to accept in courts of law, and upon it to decide whether a human being shall be hung or set free; deprived of the use and control of his property; or whether third parties shall receive or be deprived of what would otherwise be theirs.

It is very difficult indeed, says Lord Hale, to define the *invisible* line that divides perfect and partial insanity, but it must be duly weighed and considered both by the Judge and Jury, lest, on the one side, there be a kind of inhumanity towards the defects of human nature, or on the other side too great an indulgence given to great crimes. That line of distinction, referred to by Lord Hale, says Stephens on Crimes, has never yet been fully traced; yet medical men are often tempted to be bullied and browbeaten into drawing a defining line, (which to jurists, even, is yet "invisible,") of a discretion or discernment between good and evil.

I have already said that Law and Medicine are conflicting on this question; but to a Pinel, an Esquirol, a Riemschneider or a Barlow it belongs, and not to a Hale or an Erskine, to say who is, and who is not, insane. As sick men define their sensations most correctly, why not the insane, with Shakespeare, say what is insanity?

How pregnant sometimes his replies are! A happiness that often madness hits on, which reason and sanity could not so prosperously be delivered of.

They could do it as well as Jurists, whose training in Law does not qualify them more for questions of this nature.

The difficulties I have here merely glanced at were never more clearly or more forcibly set forth than by a distinguished member of this Society at its last annual meeting in Toronto. Dr. Workman, with a perfect causticity which he knows how to use, sketched some of those disputations between Law and Medicine, and the latter did not suffer in his hands. I should not allude to this question now, when so much remains to be said, were it not to point out the inconvenience, if not injustice, that is sometimes done by experts in courts of justice being outnumbered by medical practitioners who have given but little attention to the subject of insanity, and to whom the obscurer forms are quite unknown. If the most diligent and painstaking physician finds a lifetime too short to